

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11307 of 2021**

Arising Out of PS. Case No.-94 Year-2019 Thana- JURAWANPUR District- Vaishali

LAKHINDAR SINGH S/O SRI SHANKAR SINGH Resident Of Village -
West Raghapur, P.S. -Jurawanpur, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Vijay Kr Sinha, Santosh Kr, Advocates
For the Informant	:	M/s Anil Kr, Ramesh Kr Singh, Advocates
For the State	:	Dr Mrityunjaya Kr Gautam, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 17-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner; learned
counsel for the informant and the learned Additional Public
Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Jurawanpur Police
Station (for brevity, *PS*) Case No 94 of 2019, GR No 4747 of
2019 instituted for the offence punishable under Section 302 of
Indian Penal Code.

Allegation made by the informant is that his son was
assaulted and badly injured by unknown persons who threw him
down the stairs. While he was being treated in the Hospital, he
succumbed to the injuries.



Learned counsel for the petitioner submits that the petitioner is a businessman. He has no criminal antecedent and he is in custody since 05.07.2020. It is submitted that there is inordinate delay in lodging of the case. The alleged occurrence is of 12.07.2019. Fardbayan was recorded on 31.07.2019 and the First Information Report was lodged on 20.08.2019. The victim has in fact succumbed to the injuries while falling from the roof as material has come in this regard during the course of investigation.

Learned counsel for the informant and the learned APP have opposed the prayer for bail. They have submitted that the informant had named the instant petitioner as one of the perpetrators of assault leading to death of his son. The submissions regarding the statement of several persons before the police that the victim has died on account of injuries sustained from falling from the roof, however, is not denied as there is statement to this effect by some persons during the course of investigation.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the



petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IX, Vaishali at Hajipur in connection with Jurawanpur PS Case No 94 of 2019, GR No 4747 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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