

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 84529 of 2019**

Arising Out of PS. Case No.-400 Year-2015 Thana- MADHUBANI TOWN District-
Madhubani

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SHYAM NANDAN SINGH @ TINKU SINGH @ SHYAM NANDAN
KUMAR SINGH @ RINKU SINGH Son of Hari Narayan Singh @ Bhola
Singh Resident of Village- Dumariya Bujurg, P.S.- Parbatta, District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Chakrapani, Dipak Kr, Madhuresh Singh, Advs
For the Opposite Party/s : Mr Md Matloob Rab, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 22-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Madhubani Town Police
Station (for brevity, *PS*) Case No 400 of 2015 dated 02.09.2015
instituted for the offence punishable under Sections 364, 302,
201/34 of Indian Penal Code.

The prosecution case is that a dispute was subsisting
between the father of the petitioner and informant in relation to
a transaction for sale of land for which the petitioner's father
had allegedly taken advance money from informant's father. It
is in this background that the offence of murder has been
alleged.



It is submitted by the learned counsel for the petitioner that the prosecution is an afterthought to settle civil disputes. The alleged occurrence has taken place on 30.08.2015 for which the instant prosecution has been launched on 02.09.2015 in which petitioner and his parents have been implicated. Petitioner's parents have already been granted anticipatory bail by a coordinate Bench of this Court in Cr Misc No 14979 of 2016. The petitioner, on the other hand, is now in custody since 10.10.2017. There is another criminal antecedent of the petitioner in Palam PS Case No 146 of 2016 in which the petitioner is not on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 Sessions Judge V, Madhubani in Madhubani Town PS Case No 400 of 2015 dated 02.09.2015 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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