

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3091 of 2022

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

Harendra Singh S/O Late Ram Sakal Singh R/o village- Samaspura, P.S.-
Dariyapur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar.

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code.

According to prosecution case, the accused Prakash Singh previously extended threatening to kill the informant and his family members in case, they went to the disputed land and thereafter, all the 33 accused persons named in the F.I.R. including this petitioner and 10 to 15 unknown persons surrounded the house of the informant, caught Sudarshan Singh and tied him with electric pole and assaulted him due to which



he became unconscious and when his son tried to save him, he was assaulted by the accused persons with Lathi-Danda, Garasa and iron rod and snatched ornaments from the lady inmates of the house and mobile sts and on arrival of the witnesses, they fled away then, the injured were brought to Govt. Hospital, Parsa where the doctor declared Sudarshan Singh dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioner and there is no specific allegation of overt-act against the petitioner. He further submits that similarly situated, co-accused, namely, Chandan Singh and Kundan Singh have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 09.08.2021 passed in Cr. Misc. No. 7492 of 2021. The petitioner is in custody since 18.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dariyapur P.S. Case No. 265 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

