

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14907 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

1. UPENDRA SINGH Son of Late Raj Kishore Singh @ Nand Kishore Singh
Resident of Village- Marva, P.S.- Vaikunthpur, District- Gopalganj.
2. Dharmendra Singh Son of Late Raj Kishore Singh @ Nand Kishore Singh
Resident of Village- Marva, P.S.- Vaikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-03-2022 Heard learned counsel for the petitioners and
learned APP for the State.

This application with regard to petitioner No. 2 has
already been dismissed as withdrawn by order dated 09-09-
2021.

Learned counsel for the petitioner No. 1 is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner No. 1 is apprehending his arrest in
Baikunthpur P.S. Case No. 191 of 2020 registered under
Sections 341, 323, 307, 504/34 of the Indian Penal Code.

Allegedly, on the instigation of petitioner No. 2, the



petitioner No. 1 dashed head of Rameshwar Singh on wall as a result of which, he sustained injury and became unconscious. Thereafter, Rameshwar Singh got paralytic attack. He was taken to Sasamusa for treatment but due to non-improvement, he was taken to Faridabad where he was admitted to ICU and during course of treatment, he died.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. Both parties are agnates. Due to property dispute, some hot exchange took place, in which, the deceased had fallen on the ground and received injury on his head. Later on, he was taken to doctor for treatment and he is said to have died thereafter. The date of occurrence is 23-06-2020 and the case was instituted on 02-07-2020. The delay in instituting the FIR has not been explained by the prosecution.

From perusal of the case diary, it appears that Section-302 of the Indian Penal Code has not been added till date by the prosecution.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner No. 1 above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Gopalganj in connection with Baikunthpur P.S. Case No. 191 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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