

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16291 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- BARGAINIA District- Sitamarhi

Ashok Singh @ Ashok Kumar @ Ashok Kumar Singh, Son of Siyaram Singh
Resident of Village - Ashogi , Ward No.03, P.s.- Bairgania, Distt.- Sitamarhi.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-08-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Bairgania P.S. Case No.114 of 2021 instituted under Section 302/34 of the IPC.

As per the FIR, the informant has alleged that the named accused persons including the petitioner herein were assaulting her husband and pressing his neck with the rope that led to serious injury to him. When she raised *hulla* and the villagers started coming, the accused persons fled away.

In this case, case diary was called for on 13.07.2022 and the same has been received and perused by the learned APP.

It has been submitted by the learned APP that in the 164 Cr.P.C statement, the lady had narrated that when she



returned home after searching her husband, she found him to be lying on the door step and later her brother-in-law also reached there and stated that he is no more. She has further alleged that these accused persons have caused the killing of her husband and they fled away from their home and they are also threatening her of dire consequences.

Learned counsel for the petitioner submits that a bare perusal of the allegation made in the FIR and the statement recorded under Section 164 Cr.P.C show that there has been complete different narration of actual occurrence.

She has further submitted that in any case, there is omnibus allegation against the accused person that they have caused the death/killing of her husband. She has further stated that the petitioner is in custody since 21.12.2021 (as stated in para-15 of the bail application). She has lastly submit that only because he has criminal antecedent, he has been implicated in this case.

Considering the fact that two different versions regarding the alleged killing has come as also the fact that omnibus allegation has been made against the accused, the present petitioner, charge-sheet stands submitted and he is in jail since 21.12.2021, this Court is inclined to grant him privilege of



bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Bairgania P.S. Case No.114 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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