

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15670 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- SABAUR District- Bhagalpur

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Anagad Kumar Singh Son Of Ashok Singh, Resident of Village - Nayagaon
Rajpur Tola, P.s.- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2022 Heard Mr.Pramod Rajpati, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP who

represents the State.

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 Sabour (Goradih) P.S. Case No.271 of 2021 instituted
under Section 341,323,379,302 of the IPC.

As per the allegation in the FIR, it is alleged that on
26.10.2021, when the informant's father was sitting in his
jewellery shop one person came on his Scooty and after asking
for some ornaments, he tried to snatch the jewellery and leave
the place. As his father obstructed him, he gave a massive hand
blow on the chest of his father who immediately became
unconscious and subsequently died. The accused person was



apprehended with the help of the other shopkeepers and who happens to be the petitioner herein.

Learned counsel for the petitioner submits that the postmortem report shows that he died of heart attack. It further shows that he was a heart patient and he thus submits the massive blow that is attributed to the petitioner may not be the cause of his death.

In this case, case diary was called for and as per para-24 of the same the charge-sheet has been submitted against the petitioner on 21.12.2021 under Section 341,343,304 and 104 of the Indian Penal Code.

Taking into account the aforesaid fact that the charge-sheet amongst other has been submitted under Section 304 of the Indian Penal Code, he is in custody since 27.10.2021, has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sabour (Goradih) P.S. Case No.271 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, 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;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to 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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