

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20863 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- SHAHKUND District- Bhagalpur

Pinku Singh @ Raj Kumar Singh S/o Prakash Chandra Singh Resident of
Village- jagarnathpur, P.S.- Shahkund (Sajaur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shahkund (Sajaur) P.S. Case No. 108 of 2020 lodged under
Sections 302/34 of the I.P.C.

As per the prosecution case, the informant has
narrated that her husband was in habit of going for morning
walk. In the morning 4 am of 29.05.2020 his body was found in
way injured and unconscious state. Informant visited to hospital
for his treatment. During her treatment, informant husband has
disclosed the name of the petitioner along with other 4 persons
that they have assaulted by different weapons. During treatment,

the informant's husband died on 01.06.2022.

Learned counsel for the petitioner submits that the date of occurrence is 29.05.2022 whereas the present case has been filed on 01.06.2020 that is about delay of 3 days but no explanation has been made. Learned counsel for the petitioner submits that the material come against the present petitioner is based on hearsay evidence and it cannot be a substantive piece. He further submits that petitioner's antecedent is clean and in custody since 19.06.2021, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the deceased himself disclosed the name of 4 persons in presence of the informant who are involve in the present occurrence. It may be treated as dying declaration and, therefore, bail may be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Add. Sessions Judge- 8, Bhagalpur in connection with Shahkund (Sajaur) P.S. Case No. 108 of 2020, subject to the conditions as laid down under Section 437(3) of

Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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