

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33960 of 2021

Arising Out of PS. Case No.-418 Year-2020 Thana- BIDUPUR District- Vaishali

Sanjay Kumar @ Sanjay Kumar Singh @ Sanjay Singh Son of Kusheshwar Singh Resident of Village - Basantpur Kakrahatta, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, A.P.P.
For the Informant	:	Mr. Ashish Kumar Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner as well as learned counsel for the Informant and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

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 connection with Bidupur P.S. Case No. 418 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, the statement of the informant is that the named accused persons including the petitioner alongwith 4 to 5 other unknown persons armed with



sword, farsa, gupti and country made pistol came to informant's house and assaulted the son of the informant by by those dangerous weapons. The accused Birendra Prasad Singh is alleged to pierce the sharp edged gupti in the abdomen of informant's son and the accused Chandrev Singh is alleged to open fire over him. The other accused persons are alleged to assault informant's son with the intention to cause his death and the accused persons are alleged to caused the murder of informant's son.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the deceased was died due to co-accused Birendra Prasad Singh alleged to pierce the gupti in the abdomen of the deceased. He further submits that there is no specific allegation against the petitioner, there is general and omnibus allegation against the petitioner. It is further submitted that police after investigation submitted the charge sheet against the petitioner. He further submits that it appears from the postmortem report that only one injury is found on the deceased. The petitioner is in custody since 08.10.2020.



The learned counsel for the Informant and learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that as per para 13 and 14 of the case diary there is no specific allegation against the petitioner alongwith co-accused namely Birendra Prasad Singh.

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 418 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)

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