

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27521 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- JOGAPATTI District- West Champaran

MITHLESH KUMAR SINGH @ GOODU SINGH Son of Late Badan Singh
Resident of Village - Machhargawa, P.s.- Yogapatti, Dsitt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 279, 337, 307,
338, 427, 506 and 34 of the Indian Penal Code in connection
with Yogapatti P.S. Case No. 88 of 2021.

As per the allegation in the FIR, the informant has
alleged that the petitioner herein took rupees five lakh in 2020
for treatment of his daughter. She further alleged that her
husband demanded return of the said amount and on 20.2.2021,
he was called by the petitioner for payment of the amount and
for which he went to the house of the petitioner. Further
allegation is that at the instance of the petitioner, he was dashed



by car by the minor son of the petitioner causing serious injury to him and later he was referred to hospital for his treatment.

Learned counsel for the petitioner at the very outset submits that both the petitioner and Sanjeev Kumar Singh were cousin and he had all sympathy for the family. It is his further submission that it was an accident and the exaggerated FIR can in no way change their relationship. As such, irrespective of what is the outcome of the present bail application, he wants to help the family and as such would like to give monetary help of Rs. 2,00,000/- to the widow, Dazy Singh, wife of his cousin brother late Sanjeev Kumar Singh by way of Demand Draft issued by the local State Bank of India branch.

So far as this present case is concerned, the learned counsel for the petitioner submits that it was actually an accident when the minor son of the petitioner started the car and dashed his cousin brother as also one Khush Mohammad. He further submits that the petitioner has already suffered by being in jail since 2.3.2022 (as stated in para-1 of the bail application).

Taking into account the aforesaid facts that the petitioner's minor son drove the car in such a way that it hit his cousin brother as also Khush Mohammad as a result whereby



the accident occurred. However, he is in custody since 2.3.2022 and has no criminal antecedent and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Yogapatti P.S. Case No. 88 of 2021 subject to the following conditions:

(i) the petitioner shall submit a Demand Draft of Rs. 1,00,000/- (one lakh) issued by the local State of Bank branch in favour of the informant, Dazy Singh before the Trial court, who in turn shall hand it over to the informant after checking her credentials through government documents (i.e. Aadhar Card and Voter Id etc.).

(ii) he will further submit another Demand Draft of Rs. 1,00,000/- (one lakh) in favour of the informant before the trial court within a period of three months from the date of his release to be handed over to the informant Dazy Singh after checking her credentials;

(iii) in default, the Trial court shall cancel his bail bonds;



(iv) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(v) 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 his cancellation of bail by the Trial Court itself;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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