

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27350 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Vikash Kumar Singh S/o Bhikhari Singh Resident of Village- Gangwa, P.S.-
Sidhwaliya, District- Gopalganj, Bihar, Pin Code- 841423.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv. with Mr. Rajesh Roy, Adv.
For the informant	:	Mr. Setu Prateek, Adv.
For the Opposite Party/s	:	Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Sidhwalia P.S. Case No. 251 of 2021 lodged under Sections
302/34 of the I.P.C.

As per the allegation made in the F.I.R., the informant
who is mother of the deceased has categorically stated that on
the evening of 26.07.2021, 4 named persons including the
present petitioner has come to house of the informant and
forcefully taken the son of the informant to visit in party. It has
been alleged by the informant herself that her deceased son was

left at 03:30 P.M. from the house. She has further alleged that at 04:00 A.M. next day, she has reached in the house and seen that his son is present in the room in injured condition. The injury was present on his neck, on his face and on head. Lastly, the deceased has stated only one word that is the name of the present petitioner and then become faint. In the morning, the informant has visited to the doctor, doctor has referred his son to Gopalganj Hospital where he was declared dead. The informant alleged that subsequently, when she reached in the room, then she observed that there is a poisonous smell in the said room upon which the present case has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that in the present case, admittedly, the occurrence took place on 26.07.2021. The injured body was present in the house of the informant in the morning hours of 27.07.2021, on the same day, the inquest was made. On the same day, body referred for post-mortem on 27.07.2021 at about 02:30 P.M. and post-mortem has taken place at about 03:30 P.M. on 27.07.2021. He has also put emphasis on his argument about the external injuries. He subsequently mentioned that for the F.I.R., it transpires that the case has been lodged in the police station on 27.07.2021 at 04:40 P.M. and F.I.R. has been lodged on

28.07.2021 at 04:40 P.M. He submits that if all the such events are collectively considered then it shall be clear that police has lodged the F.I.R. after inquest & post-mortem and this indicates the innocency of the petitioner. He further submits that petitioner is in custody since 14.10.2021, charge sheet has already been filed and his antecedent is clean.

Learned counsel for the State submits that in the F.I.R., the name of the petitioner has stated twice, therefore, case diary is required.

Learned counsel for the informant appeared and vehemently opposes the prayer for bail. He submits that the I.O. has explained the cause of delay of F.I.R. He further submits that there is a direct allegation made by the informant against the named accused persons with whom the deceased went outside in the evening of 26.07.2021. He further submits that the point raised by the petitioner is basically for consideration during trial.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner is 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 J.M., 1st Class, Gopalganj in connection with Sidhwalia P.S. Case No. 251 of 2021, 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 be resulted into cancellation of his bail bond.

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

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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