

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37395 of 2021**

Arising Out of PS. Case No.-539 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Hemant Singh @ Hemant Kumar Son Of Late Sitaram Singh Resident Of
Village- Singhaul, Ward No.01,P.S.- Muffasil (Singhaul O.P.), District-
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajay
Kumar No. 2, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Muffasil P.S. Case No. 539 of 2020

registered for the offences punishable under Sections 302, 34 of

the Indian Penal Code. He is in custody since 18.11.2020. The

petitioner has got no criminal antecedent.

As per the prosecution story, the marriage of elder

sister of the informant was solemnised with one Manohar

Bhardwaj son of this petitioner in the year 2012 and out of this



wedlock two children were born. The sister of the informant was suffering from cancer and died in the year 2019. Manohar Bhardwaj used to assault and threaten his children. On 24.10.2020 the informant received information that his nephew has died. The informant alleges that this petitioner and his son had been involved in the murder of the child.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the grandfather of the deceased boy and the main allegations is against Manohar Bhardwaj who is the father of the deceased boy who has killed the boy in order to facilitate his marriage with a lady after death of his first wife. The petitioner is in custody since 18.11.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that this petitioner happens to be the grandfather of the deceased boy and the thrust of the allegations are against Manohar Bhardwaj who is the father of the deceased boy as it is alleged that he had killed the boy in order to facilitate his marriage with a lady after death of his first wife, the petitioner has already remained in jail for over one year, this Court, therefore, directs release of the petitioner above named on bail on



furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 539 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

