

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40376 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- MORKAHI District- Khagaria

1. Govind Kumar @ Gopal Singh S/O Kaushal Kishore Singh R/O Village-Bachhauta, P.S-Morkahi, District-Khagaria
2. Hare Ram Singh S/O Late Priyavart Narayan Singh R/O Village-Bachhauta, P.S-Morkahi, District-Khagaria.
3. Sushant Singh @ Sushant Kr. S/O Hare Ram Singh R/O Village-Bachhauta, P.S-Morkahi, District-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Viveka Nand Singh, learned counsel for the petitioners as well as Mr. Anil Kumar learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Morkahi P.S.Case No. 83 of 2020 registered for the offences punishable under Sections 147, 341, 323, 325, 307, 379, 504, 506,120B of the Indian Penal Code.

As per prosecution case, it is alleged that the informant, who was driver of Hare Ram Singh, (petitioner no. 2)



and working since last four years, was called upon 17.07.2020 and thereafter, the FIR named accused persons abused and assaulted the informant. It is alleged that petitioner no.1 assaulted with country made Pistol on his temporal region. It is further alleged that co-accused Kunal Singh assaulted him with iron rod on his feet and petitioner no. 3 snatched his mobile phone and all the accused persons threatened to kill him.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the petitioners that occurrence is said to have taken place on 17.07.2020 but the fardbeyan of the informant was recorded on 20.07.2020 and thereafter, the substantive FIR has been instituted on 10.08.2020 but no explanation has been given for such delay. It is further submitted that prior to the institution of the present case petitioner no. 1 has instituted Morkahi P.S.Case No. 75 of 2020 alleging therein that informant had came to his marriage hall along with other miscreants and tried to extort but, with the help of the some people he was apprehended with arms. It is next submitted that the informant was examined by the private doctor on 17.07.2020 itself but no injury has been found over



temporal region and only bleeding has been found from his left ear, so far as allegation of assault over the legs of the informant by means of iron rod is concerned, the same is attributed against co-accused Kunal Singh. It is lastly submitted that all the petitioners are men of respects having no criminal antecedent .

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there are specific allegation against all the three petitioners, who have been brutally assaulted the informant.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is delay in lodging of the F.I.R and moreover, the injuries have been found to be simple in nature and the petitioners having no criminal antecedent, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Morkahi P.S.Case No. 83 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-



(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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