

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49068 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- DARIYAPUR District- Saran

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Bhirgu Singh @ Bhriugu Singh @ Bhirgunath Singh Son of Madho Singh
Resident of Village- Barwe, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 364/34 of the Indian Penal Code.

According to prosecution case, on the basis of statement of the informant namely Rina Devi stating therein that on 06.04.2021 the son of the informant namely Munna Singh went at his wheat farm crops for harvesting. When the informant's son did not return and at the same time Bharosa Rai S/o Dwarika Rai came to her and asked if her son is back home



from field or not then informant replied that her son has not returned yet. After replying to Bharosa Singh, she went out in search of her son on her level but could not find him anywhere. Thereafter, the informant believes that accused persons namely Bhirwa Rai, Mintu Rai, Bhigu Singh Madho Singh, Aspatal Rai, Uday Kumar Singh have unanimously abducted her son. She alleged them of this offence because all accused persons have powerful impact in the society as are in contact with some extremists.

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 only on the basis of suspicion. He further submits that it appears from the F.I.R. that the deceased was disappear from the house on 06.04.2021 but the present F.I.R. was instituted on 08.04.2021 after delay of two days without any explanation of delay. He further submits that after investigation police has submitted the charge sheet on 26.06.2021 under Section 304, 201/34 of the Indian Penal Code against the petitioner and other accused persons. The petitioner is in custody since 10.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that there



is sufficient material available during the investigation against the petitioner.

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 Court below where the case is pending in connection with Dariyapur P.S. Case No. 175 of 2021, 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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