

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56625 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. NAND KISHORE SINGH SON OF LATE RAM ASHISH SINGH
RESIDENT OF VILLAGE- REWA BASANTPUR DAKSHNI, P.S.-
SARAIYA DISTRICT- MUZAFFARPUR
2. PRINCE KUMAR SON OF NAND KISHORE SINGH RESIDENT OF
VILLAGE- REWA BASANTPUR DAKSHNI, P.S.- SARAIYA, DISTRICT-
MUZAFFARPUR

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate Ms. Kumari Vandana, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in connection with Saraiya P.S.
Case No. 272 of 2021 registered for the offences punishable
under Sections 302, 34 of the IPC.

As per prosecution case, on 13.04.2021 the informant
received an information that some people were assaulting his



elder brother near Ambara Chowk, Lalganj Road. Having received the aforesaid information, informant went there and saw that accused Rohit Kumar was stabbing the informant's brother repeatedly with knife. Co-accused Sri Ram Singh and Indrajit Kumar @ Komal was pulling wire from both side after tying on neck. The petitioners are said to have caught hold the hands of the deceased. The injured was taken to hospital who died during his treatment.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. It is further submitted that it appears from the FIR that allegation against the petitioners is of caught hold the hands of the deceased. He further submits that it appears from the FIR that allegation against co-accused Rohit Kumar is of inflicting knife repeatedly upon the deceased. He further submits that it appears from the postmortem report that doctor has found injury on neck and abdomen which is not attributed against the petitioners. Petitioners are in custody since 14.04.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that petitioners are named in the FIR.



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 272 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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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