

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52328 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- RIVILGANJ District- Saran

Vicky Singh Son of Suresh Singh Resident of Village - Panchpatra, Police Station Rivilganj, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and Shri Anil Kumar, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Rivilganj P.S. Case No. 208 of 2021 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.06.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that informant alleges that his brother had gone to watch a dance programme on 08.06.2021 where quarrel started and his brother was taken away at some distance by some unknown persons, Further, a friend of informant, Vinay Mishra came and informed



the informant that his brother was lying in an unconscious state in Panchpatra village, accordingly the informant reached the place of occurrence and saw that his brother was inflicted with lacerated wound, accordingly he was taken to hospital where he died during the course of treatment on 12.06.2020.

Learned counsel for the petitioner submits that from perusal of the F.I.R. it would manifest that the same was instituted against unknown. Learned counsel further submits that Vinay Mishra who informed the informant about his brother did not disclose any name to the informant that as to who had assaulted him. It is submitted that later said Vinay Mishra disclosed that at the time when he had informed the informant about the occurrence, he was busy attending the deceased for his treatment as such could not disclose the name of the persons who had indulged in the occurrence. Learned counsel submits that Vinay Mishra by way of afterthought implicated the petitioner along with other accused persons by disclosing that he is an eye-witness to the occurrence. Learned counsel submits that had Vinay Mishra been an eye-witness to the occurrence then at the very first instance he would have disclosed to the informant that his brother was assaulted by XYZ. The said important fact is missing in the F.I.R. that raises doubt about the



conduct of Vinay Mishra.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.06.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and is not named in the F.I.R., let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ruby Kumari, learned Judicial Magistrate 1st Class, Chapra at Saran in connection with Rivilganj P.S. Case No. 208 of 2021 with a condition that one of the bailor shall be the father of the petitioner (Suresh Singh).

(Satyavrat Verma, J)

Rishi/-

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

