

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56681 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- MADHUBAN District- East Champaran

1. SHRI BHAGWAN SINGH Son of Late Yogendra Singh
2. Subodh Singh @ Subodh Kumar Singh Son of Late Yogendra Singh
Both Resident of Village - Naurangiya Tola Dih, P.S. - Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh,Adv

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in the virtual Court proceeding.

The petitioners seek bail in connection with Madhuban P.S.Case No. 169 of 2020 registered for the offence under Sections 147,148,149,341,323,324,307,325,379 and 504 of the Indian Penal Code.

The prosecution case, in short, is that on 29.05.2020 in the evening at 7.00 P.M., the villagers of the informant, including both the petitioners, came at his door and started



abusing to Vijay Singh (brother of the informant) and upon protest made by Vijay Singh, petitioner Shri Bhagwan Singh ordered to kill him, thereafter, petitioner Subodh Singh gave twice Farsa blow on head of Vijay Singh which caused two cut injury on head, Sujeet Singh assaulted from back side upon head of Vijay Singh caused cut injury on back side, Avinish Singh gave Bhala blow on the chest of Vijay Singh and Ashutosh Kumar assaulted with Barchhi upon leg of Vijay Singh and petitioner Bhagwan Singh and Jitendra Singh both assaulted with Lathi and iron rod to Vijay Singh. Accused Lakhindra Singh wanted to assault with Bhala on head of Vijay Singh who defended with hand and received injury on finger. It is also alleged that upon hearing Hulla brothers and nephew came to rescue to Vijay Singh then all accused persons injured them by assaulting with lathi and rod. Accused Ashutosh Singh snatched golden Hanumani from neck of Vijay Singh. Injured persons were brought by villager at PHC, Madhuban and Doctor referred to Vijay Singh to Sadar Hospital Motihari where treatment of Vijay Singh is going on and other injured were treated by Doctor of PHC Madhuban.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely



been implicated in the present case. He further submits that the present case is counter blast of Madhuban P.S.Case No.159 of 2020 registered under Section 307 and other Sections of the Indian Penal Code filed by petitioner No.1 against the informant and his family members. He further submits that it appears from the injury report of the injured person do not support the allegation as alleged in the FIR and Doctor has found all injuries are simple in nature and the petitioners are in custody since 01.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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 learned Judicial Magistrate, 1st Class, Motihari in connection with Madhuban P.S.Case No. 169 of 2020 with 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 bonds 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.

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 antecedents, 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)

Nitesh/-

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