

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57883 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

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Bebi Devi Wife of Jai Prakash Singh Resident of Village- Samaspura, P.S.-
Dariyapur, District- Saran at Chapra.

.. ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2022 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 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code.

According to prosecution case, the informant namely Arbink Kumar Sinha gave a fardbeyan on 16.08.2020 alleging therein that three or four days earlier, co-accused Prakash Singh had threatened to kill the informant and his family members, if they goes on the land in dispute. On 05.08.2020 while the informant alongwith Sudarshan Singh and his son Ramjeevan Singh were sitting at his door in the meanwhile 32 FIR named



and 10 to 15 unknown accused persons having with weapons surrounded the house of the informant wherein Udai Singh holding country made katta, Guddu Singh holding iron rod, Prakash Singh with Khanti, Nitesh Singh with Garasi, Kundan Singh with Tangi, Shivnath Singh (father of the petitioner) with Farsa and rest persons with Lathi and danda. All the accused persons hold of Sudarsan Singh and tied him around an electric pole and assaulted him with lathi and danda, as a result of which, he became unconscious. It is further alleged that when son of Sudarsan Singh namely Ram Jivan singh came to save his father, he was also assaulted by accused persons. It is further alleged that when the incident was reported to the police, the police came and took the injured persons to the hospital, where Sudarsan Singh was declared dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation against the petitioner. He further submits that the present case is a counter blast of Dariyapur P.S. Case No. 263 of 2020 filed by the co-accused namely, Basanti Devi against the



informant and his other family members. He further submits that during investigation nothing has come against the petitioner and postmortem report does not corroborate the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Satyanarayan Singh and Renu Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 1294 of 2021, another co-accused namely, Rinki Devi @ Rinki Kumari, Pushpa Devi @ Pushpa Kumari, Kulwanti Devi, Rudal Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 17.09.2021 passed in Cr. Misc. No. 5108 of 2021. The petitioner is in custody since 02.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of 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. 265 of 2020, 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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