

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58931 of 2021

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

AKHILESH SINGH Son of Ram Pyare Lal Singh Resident of Village
-Samaspura, P.S.- Dariyapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in connection with S. Tr. No.
430/20 arising out of Dariyapur P.S. Case No. 265 of 2020
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 302, 504, 506/34 of the IPC.

As per prosecution case, on the alleged date and time
of occurrence, while the informant along with his father's
friend, namely Sudarsan Singh and Ram Jivan Singh were
sitting at his house, 32 FIR named accused persons including



the petitioner and 10-15 unknown persons having armed with weapons, surrounded the house of informant. It is further alleged that the accused persons caught 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 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 due to land dispute between the parties and prior to filing of the present case, co-accused Basanti Devi has filed a case vide Dariyapur P.S. Case No. 263 of 2020 against the informant and his family members for forcibly taking possession of the land. It is further submitted that there is no specific allegation of overt-act against the petitioner rather there is general and omnibus allegation against all the 32 FIR named persons and 10-15 unknown persons, including the petitioner. It is further submitted that co-accused Kundan Singh has been granted privilege of anticipatory bail by a co-ordinate



Bench of this court vide order dated 09.08.2021 passed in Cr. Misc. No. 7492 of 2021. Similarly, co-accused Jai Prakash Singh @ Om Prakash Singh and Shivnath Singh @ Shivjee have been granted bail by a co-ordinate Bench of this court vide order dated 13.04.2021 passed in Cr. Misc. No. 6402 of 2021. Petitioner is in custody since 19.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Additional Sessions Judge-VII, Saran in connection with S. Tr. No. 430/20 arising out of 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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