

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63757 of 2021

Arising Out of PS. Case No.-157 Year-2021 Thana- TAJPUR District- Samastipur

MANOJ KUMAR SINGH Son of Sri Rambharosh Singh Resident of Village
- Kaijia Vishanpur, P.S. - Tajpur (Waini O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar Pathak, Advocate
For the Opposite Party/s :	Mr.Rajendra Nath Jha, APP
	Mr. Piyush Anand, APP
	Mr. Sanjay Kumar,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tajpur (Waini O.P.) P.S. Case No. 157 of 2021 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

As per prosecution case, the petitioner along with co-accused persons assaulted the father of the informant, his uncle and aunt. The father of the informant died on the spot. The occurrence took place in the back ground of construction of house.

Learned counsel for the petitioner submits that petitioner



has been falsely implicated in this case. The petitioner is alleged to have assaulted the deceased with spade and co-accused Umesh Kumar Singh with iron rod on his head. It is apparent from the FIR that sudden altercation took place and the petitioner had no intention to cause death. So, even taking prosecution case to be true still, it will only be a case under Section 304 Part II of the Indian Penal Code and not a case under Section 302 of the Indian Penal Code. The petitioner and informant are neighbours and they have common boundaries and due to land dispute the said occurrence took place. Learned counsel further submits that in fact during scuffle, the father of the informant fell down and received injury on his head and died due to haemorrhage and shock. Charge sheet has been submitted in this case and the petitioner is in custody since 03.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that he assaulted the father of the informant with spade and post-mortem report shows that external as well as internal injuries on the head of the deceased and cause of death is stated to be haemorrhage and shock caused by impact of the hard and blunt object.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is no injury caused by spade and further considering the submission of charge sheet and period of



custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 157 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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