

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55038 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- FESHAR District- Aurangabad

Rameshwar Singh @ Rameshwar Pd. Singh Son Of Late Ram Raj Singh
Resident Of Village - Bardiha, P.S.- Fesar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Vindhyakeshari Singh, learned senior counsel duly assisted by Neeraj Kumar appearing on behalf of the petitioner and Mr. N.K.Agrawal, learned senior counsel appearing on behalf of the informant as well as learned APP for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Fesar P.S Case No. 47 of 2022 for the offences punishable under Sections 147, 148, 323, 325, 506, 504, 302, 307/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that on 12.04.2022 at about 3 pm, the brother-in-law of the informant while doing



some earthing in electricity in the private school, six persons including the petitioner and ten unknown persons armed with weapon came and asked the informant's brother-in-law not to do that work and when the same was resisted in the meantime, co-accused Deewakar Kumar gave several khanti blows on the stomach and chest, due to which he fell down, it is also alleged that other persons also gave several blows. During the course of treatment, the brother-in-law of the informant succumbed to the injuries.

Learned senior counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that specific allegation has been levelled against co-accused Deewakar Kumar and so far as the petitioner is concerned, there is general and omnibus allegation. He further submits that there is counter version of the present occurrence being Fesar P.S. Case No. 48 of 2022 registered by the nephew of the petitioner on 13.04.2022 itself. He next submits that other co-accused person having similar allegation, has been allowed privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 4339 of 2022. He lastly submits that the petitioner is a man of 65 years having fair antecedent is in custody since 19.04.2022 and moreover, investigation of the crime is complete



and the charge sheet has been submitted.

On the other hand, Mr. Agrawal learned senior counsel for the informant vehemently opposed the bail application and submits that all the co-accused persons in furtherance of common intention brutally assaulted the brother-in-law of the informant which resulted into his death.

Regard being had to the submission made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that co-accused persons having similar allegation has been allowed privilege of anticipatory bail and this petitioner is in custody since 19.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned chief Judicial Magistrate, Aurangabad in connection with Fesar P.S Case no. 47 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

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

