

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4763 of 2023

Arising Out of PS. Case No.-624 Year-2022 Thana- GANDHIMAIDAN District- Patna

AMAN SINGH @ DEV RAJ S/O SRI AJAY SINGH @ AJAY KUMAR
SINGH R/V- SHANTI NAGAR, NAHAR CHOWK, P.S.- DUMRA,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr. Ravi Ranjan, Adv.
Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gandhi Maidan P.S. Case No. 624 of 2022 dated 11.09.2022
registered for the offence under Sections 302 and 34 of the
Indian Penal Code.

The son of the informant is alleged to have been
killed by inflicting head injury by the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case merely on the basis of suspicion. He
further submits that it appears from the F.I.R. itself that the
son of the informant went to Patna along with the petitioner



for business purpose where both of them stayed in Maharaja Hotel and when the petitioner come from outside, he found the deceased in unconscious condition and accordingly, informed Hotel Management about his condition. He further submits that it is the petitioner who informed the family members of the deceased about the incident and this fact has also emerged during course of investigation and this fact itself sufficient to prove the bonafide intention of the petitioner. Even otherwise if he could have been killed the deceased, he might have fled away from the spot or he might not have informed the hotel management and the family members of the deceased. He further submits that neither any direct or indirect evidence or even any circumstantial evident is available on record to prove the intentional act of the petitioner in the alleged offense, therefore, benefit of doubt must goes in favour petitioner. He further submits that the postmortem report does not support the allegation as alleged in the F.I.R. as the doctor has found one lacerated wound over the right occipital region of the deceased which only cannot be reason of death of the deceased and therefore the doctor has reserved the opinion of cause of death. He further submits that the police after investigation has



submitted charge-sheet in this case against the petitioner.

The petitioner is rotting in judicial custody since 11.09.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one. Learned counsel for the informant submits that the petitioner must have inflicted cut injury behind the head of the son of the informant causing his death soon after excessive bleeding.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Patna in connection with Gandhi Maidan P.S. Case No. 624 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

