

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4545 of 2023

Arising Out of PS. Case No.-124 Year-2015 Thana- MOTIPUR District- Muzaffarpur

VINDESHWARI SINGH @ BINDESHWARI SINGH Son of Late Tapi Singh
R/v- Dhumnagar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.10.2022 in connection with Motipur P.S. Case No.124/2015,
F.I.R. dated 30.05.2015, for the offences punishable under
Sections 147, 148, 149, 341, 342, 323, 427, 324, 307 and 302 of
the Indian Penal Code.

According to prosecution case, the petitioner along
with other F.I.R. named accused persons caught the son of the
informant and assaulted him very badly due to which he
succumbed to the injury during the course of treatment.

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 the
present case is the counter blast of Motipur P.S. Case



No.123/2015 filed by the co-accused namely, Mundrika Prasad Singh against the deceased and other persons. He further submits that from bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the postmortem report also does not support the allegation as alleged in the F.I.R. and similarly, situated co-accused persons, namely, Mundrika Singh and Shatrughan Prasad Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2015 passed in Cr. Misc. No.38145/2015, another co-accused namely, Vikash Singh @ Vikash @ Vivek Kumar has been granted bail vide order dated 08.12.2022 passed in Cr. Misc. No. 48678/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.10.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 A.C.J.M.-
II (West) Muzaffarpur, in connection with Motipur P.S. Case
No. 124/2015, 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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