

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5121 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- KHUDWA District- Aurangabad

1. SARYU SINGH @ SARJU SINGH S/O LATE NABAB SINGH R/o village- Kalen Tola, Rohan Bigha, P.S.- Kudwa, District- Aurangabad (Bihar)
2. RAMJEE SINGH S/o Late Nabab Singh R/o village- Kalen Tola, Rohan Bigha, P.S.- Kudwa, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29815 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- KHUDWA District- Aurangabad

RAJU PATEL @ RAJU RANJAN KUMAR SON OF DUDHESHWAR SINGH @ DUDHESHWAR PATEL R/O VILLAGE- KALEN TOLA, ROHAN BIGHA, P.S.- KHUDWAN, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29853 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- KHUDWA District- Aurangabad

MUKESH PATEL S/o Saryu Patel @ Saryu Singh R/o Village - Kalen Tola, Rohan Bigha, P.S. Khudwan, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5121 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Uday Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 29815 of 2022)

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman



(In CRIMINAL MISCELLANEOUS No. 29853 of 2022)
For the Petitioner/s : Mr. Y.C. Verma (Sr. Adv.)
Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Ajay Kumar Jha
For the Informant : Mr. Anil Kr. Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 25-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Khudwa P.S. Case No. 62 of 2021, registered for the
offences punishable under Sections 302, 147 and 149 of the
Indian Penal Code.

The prosecution case as emerging from the FIR is
that the petitioners and their associates assaulted the
brother of the informant Pintoo Singh due to which he died.
It is alleged that there was love affair between the deceased
and the daughter of Suresh Singh.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. They further submit that the name of the
petitioners is dragged only on suspicion and as per the FIR
informant is not an eye witness to the alleged occurrence
and even in the *fardeyan* there is no specific allegation



against any petitioner and there is only general and omnibus allegation against them. They also submit that investigation in this case is complete and charge-sheet has already been submitted.

They further submit that the petitioners, namely, Saryu Singh, Ramjee Singh have been languishing in jail since 12.11.2021, whereas petitioners, namely, Raju Patel and Mukesh Patel have been languishing in jail since 25.03.2022 and 14.03.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail



bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. S.D.J.M., Daudnagar or concerned Trial Court, District- Aurangabad in connection with Khudwa P.S. Case No. 62 of 2021, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners



after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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