

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8313 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- BISHUNPUR District- Darbhanga

Devendra Singh @ Satyendra Singh Son of Raj Kishor Singh @ Raj Kumar Singh Resident of Village- Rampur Dih, P.S.- Bishanpur, District- Darbhanga
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bishanpur P.S. Case No. 31 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He has no criminal antecedent.

As per the prosecution story, the deceased brother of the informant was assaulted by co-accused Jago Singh by means of brick on his head as a result he sustained head injuries and got fractured but he refused to take treatment and left his house at 11:00 P.M. saying that he will serve vengeance by damaging both eyes of his adversaries. In the morning on the next day, the informant came to know that the dead body of his brother is lying in front of the house of Sutta Singh.

Learned counsel submits that there is no allegation



that this petitioner had participated. He is not named as an assailant, however, while lodging the FIR, it is alleged that in the evening of the date of occurrence, the informant came to know that co-villager Niranjan Singh and this petitioner were conspiring to commit murder of Guddu Singh @ Satya Prakash Singh (deceased).

Learned counsel submits that the co-accused Binod Singh about whom it is alleged that he had participated in the alleged occurrence which took place with Jago Singh, has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 39982 of 2022.

Learned counsel submits that there is no eye witness of the occurrence and except a mere suspicion, there is nothing against the petitioner.

Learned APP for the State has though opposed the prayer for bail of the petitioner but from the materials available on the record and the case of the prosecution itself it appears that the deceased had suffered fracture on his head in course of assault given by Jago Singh whereafter instead of taking treatment, he left his house to take revenge with the assailants whereafter the informant only heard that the dead body of his brother is lying, in the circumstances, there being no material to



support the prosecution story at this stage as against the petitioner, this Court directs in the event of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Bishanpur P.S. Case No. 31 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class IV, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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