

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11618 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Lalchan Singh @ Lalchand Singh Son Of Late Banwari Singh R/O Village- Madurana, P.S.- Chainpur, District- Kaimur (Bhabua)
2. Vijay Singh Son Of Ram Ratan Singh R/O Village- Madurana, P.S.- Chainpur, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the informant	:	Mr. Anupam Bahadur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned Senior counsel for the petitioners, the State as also learned counsel for the informant.

The petitioners are in judicial custody in connection with Chainpur P.S. Case No.299 of 2022 instituted under Sections 302, 504, 506, 120(B), 147, 148, 149 of the IPC lodged on 13.11.2022 by the informant Ram Payare Singh.

As per the FIR, informant's grandson Rahul Kumar Singh was returning after visiting his farm then all the accused persons who were sitting in hiding themselves near the corner leading to village-Marai surrounded his grandson with lathi, danda & iron rod in their hands and on the provocation of co-accused Subhash Singh, all the accused persons assaulted him badly due to which he became unconscious and thinking that he



was dead, all the accused persons ran away from there. It is further alleged that Rahul Kumar Singh (deceased) who was injured was taken to the Primary Hospital, Chainpur for treatment from there after first-aid he was sent to Sadar Hospital, Bhabhua and from Sadar Hospital, Bhabhua referred to Trauma Center, Varanasi (U.P.) where he died in course of treatment. All the accused persons went away from the place of occurrence and threaten to kill the informant and his family members. Accordingly, the FIR.

It is contended by the learned Senior Counsel that the incident took place at 'Marauna' more and the informant belong to the place 'Bhadurna'. Further, an omnibus allegation has been made against all the accused persons of killing his grandson.

He submits that although the death/killing is unfortunate implicating each and everyone of the family member of the accused side can very well seen in the FIR itself. The reason has also been given regarding the girl of the accused side having eloped with the boy of the informant side. He submits that in a zeal to implicate, all the family members have been roped in.

Learned counsel for the informant submits that there has been killing of a 17 years old boy and as such has opposed



the prayer for bail.

This Court also sympathizes with the averments made by the learned counsel for the informant that a young boy has been killed but the fact remains that there is an omnibus allegation against the petitioners herein of assault. They have remained in custody since 14.11.2022 (para-11 of the petition).

Taking into account the aforesaid fact the of omnibus allegation against the petitioners herein, this Court is inclined to extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chainpur P.S. Case No.299 of 2022 to the satisfaction of learned A.C.J.M.-II, Kaimur at Bhabua subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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