

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14796 of 2023**

Arising Out of PS. Case No.-56 Year-2014 Thana- PAROO District- Muzaffarpur

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Shambhu Nath Singh @ Shambhu Singh, Son of Late Raj Keshi Singh R/V-  
Fatehabad, P.s- Paroo, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Lalan Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

ORAL ORDER

2      29-05-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with  
Sessions Trial No. 787 of 2014, arising out of Paroo P. S.  
Case No. 56 of 2014, registered for the offences punishable  
under Sections 341, 323, 324, 325, 307, 326, 302, 504  
and 34 of the Indian Penal Code.

The prosecution case in brief is that Abhinav



Kumari @ Gunja Kumari, daughter of the deceased, Baliram Singh, lodged her fardbeyan on 14.03.2014 at 10.30 A.M. at SKMCH, Muzaffarpur Emergency Ward, near the dead body of her father, before Sri P. N. Singh, Sub-Inspector of Ahiyapur Police Station, alleging therein, inter alia, that her deceased father had gone to the Agricultural field situated at the distance of about  $\frac{1}{2}$  K.M. south to the house for harvesting Mustard crops and she along with her elder sister Amrita Kumari and younger sister Pushpanjali Kumari @, Mikki Kumari had gone to that agricultural field with the breakfast of her father. In the meanwhile, at around 10.30 A.M. her co-villagers being pattidars namely Shambhu Singh, Ravindra Kumar, Dharendra Kumar and Sudha Devi variously armed with weapons reached there and began to stop her father from uprooting Mustard crops. Upon which altercation started with her father. Ravindra Kumar gave farsa blow to her father with intention to kill, Shambhu Singh (petitioner) gave Iron Rod blow to her father and Dharendra Kumar gave pistol's butt blow to her father, causing him badly injured. When she along with other sisters (all three sisters) went for



rescue of their father, all the aforesaid three persons badly assaulted her and her elder sister Amrita Kumari with intention to kill, causing them badly injured and got them fallen on the ground, resulting which the bones of her shoulder arm got fractured and they also caused injury to her younger sister Pushpanjali @, Mikki Kumari. In course of Maar-Peet her elder sister namely Amrita Kumari succumbed to the injuries in the field itself. Thereafter, all the accused persons while saying to eliminate her mother, arrived at home. Sudha Devi was armed with lathi. All the accused persons made attempt to kill her mother and badly assaulted her by means of lathi, Farsa, butt of the pistol and Iron Rod causing her injured. On hulla large numbers of the people assembled and her father was carried to Paroo Hospital, where the Doctor gave him first aid and finding his serious conditions referred to S.K.M.C.H. for better treatment but on way to S.K.M.C.H. her father Baliram Singh died. Her elder sister Amrita Kumari who died at the place of occurrence itself whose dead body was carried from there, after coming to Paroo Police Station and she along



with another sister and mother were carried to S.K.M.C.H. for treatment, where they were getting treatment in Emergency Ward.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that after the first trial, the petitioner was convicted and in Criminal Appeal preferred before this Court, the conviction was set aside and *de novo* trial was directed to be conducted and in pursuance of this order, *de novo* trial is going on and this trial is at the stage of evidence. She further submits that the petitioner is in custody since 14.03.2014 i.e., more than nine years and it will be great injustice, if he will not be enlarged on bail at this stage.

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

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one. However, in the present case petitioner and others were convicted and they



preferred Appeal bearing Cr. Appeal (D.B.) No. 254 of 2016 before this Court and in the said criminal appeal, conviction was set aside and *de novo* trial was directed to be conducted.

The Ld. Counsel for the Informant and the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail. However, they fairly concede that the petitioner is in custody for more than nine years without conclusion of trial.

Considering the aforesaid facts and circumstances, particularly the period of custody, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-III, Muzaffarpur, in connection with Sessions Trial No. 787 of 2014, arising out of Paroo P. S. Case No. 56 of 2014 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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 him 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 petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 bonds of the petitioner.



Ld. counsel for the petitioner 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)**

skm/-

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