

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13453 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- KALYANPUR District- East Champaran

Surenbra Singh Son of Late Baidnath Singh Resident of Village- Madhu
Chapra, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
29.08.2022 in connection with Kalyanpur P.S. Case No. 225 of
2022, F.I.R. dated 13.08.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioner was
handed over Rs. 6,25,000/- for execution of the registered sale
deed but he neither executed the same nor returned the money.
When the informant' father asked for his money then all the
accused persons including the petitioner assaulted him by means
of knife due to which died 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 due to admitted land dispute between the parties. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come in paragraph 7 of the case diary that the petitioner has assaulted the deceased.

Learned counsel for the petitioner submits that the witness is the family member of the deceased and she has not disclosed anything before the filing of the F.I.R. and after the filing of the F.I.R they have improvised the case.

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 Chief



Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 225 of 2022, 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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