

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16489 of 2023

Arising Out of PS. Case No.-269 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Vishwakarma Singh @ Vishwakarma Kumar Singh Son Of Devi Dayal Singh
2. Vishal Kumar Son Of Mainekar Singh
3. Baliram Kumar Son Of Vaishwakarma Singh @ Vishwakarma Kumar Singh.
All Resident Of Village - Pachrukhi, P.S. - Pachrukhi, Distt. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel appearing for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 10.10.2022 in connection with Pachrukhi P.S.Case No.269 of 2019, F.I.R. dated 16.10.2019 registered for the offence punishable under Section 147, 148, 149, 341, 323, 325, 302, 307, 504, 506 of the Indian Penal Code.

As per the prosecution case, on 14.10.2019 at about 7 pm the informant and some villagers had gone to attend the call of nature near bandh. It is alleged that 12 accused persons



including the petitioners were taking wine and upon seeing the informant, on order of co-accused Manager Singh, all the accused persons, armed with lathi, danda and country made pistol, assaulted the informant and other villagers. Co-villager Bigan Mahto also sustained injuries and died during treatment.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioners and Bigan Mahto died after 13 days of the occurrence due to septicemia and the co-accused persons namely, Devi Dayal Singh and Manoj Singh have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.04.2022 passed in Cr. Misc. No.70264 of 2021 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 10.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi P.S.Case No.269 of 2019, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

U		T	
---	--	---	--

