

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23506 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- MAHUA District- Vaishali

SHIV NATH SINGH Son of Late Lagan Singh Resident of Village - Paharpur
Gajraul, P.S.- Mahua, District - Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
11.12.2022 in connection with Mahua P.S. Case No. 398 of
2022, F.I.R. dated 15.06.2022 for the offences punishable under
Sections 341, 323, 324, 325, 420, 354, 376, 511, 504 & 506 of
the Indian Penal Code.

3. As per allegation in the FIR, in absence of male
members of the informant's family, several accused persons
including the petitioner knocked the door of the house saying
that they all are police personnel. Unknowingly informant
opened the door then accused persons forcefully entered into the
house and took the thumb impression on stamp paper with a



view to grab their land. It is further alleged that on protest made by the ladies member, they assaulted brutally to the mother-in-law of the informant as a result of which she succumbed to injuries after 12 days during treatment. Co-accused Binu Mishra and Uttam Kumar tried to outrage the modesty of the informant's daughter-in-law.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and due to admitted land dispute the petitioner and his family member has falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 11.06.2022 and the deceased was died on 23.06.2022. He further submits that no ante-mortem injury was found on the person of the deceased and similarly situated, co-accused, namely, Sanjeet Kumar against whom the similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 6983 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in



judicial custody since 11.12.2022.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

6. 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 Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Mahua P.S. Case No. 398 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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