

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27994 of 2023

Arising Out of PS. Case No.-734 Year-2022 Thana- Bettiah City District- West Champaran

Niddu Singh @ Niddu Kumar Singh Son of Late Himanchal Singh Resident
of village-Near Leather Factory Belbagh, Bangali Colony, Police Station-
Bettiah (T), District-West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.01.2023 in connection with Bettiah(T) P.S. Case No. 734 of
2022, F.I.R. dated 11.10.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, the informant alleges
that the accused persons including the petitioner came to the
shop of her husband and took him towards leather factory and
assaulted him and thereafter brought him to the hospital in an
unconscious state and he died during course of treatment.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that bare perusal of F.I.R. it



appears that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner and co-accused person namely, Sunil Sah have falsely implicated in the present case and no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence except the fardbeyan of the informant. He further submits that similarly situated, co-accused, namely, Sunil Sah against whom the similar allegation that he has assaulted the husband of the informant has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 15041 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 20.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one, in which petitioner is on bail in both the cases as stated in para-3 of the bail petition.

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 Chief Judicial Magistrate, West Champaran (Bettiah) in connection with Bettiah(T) P.S. Case No. 734 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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