

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31976 of 2022

Arising Out of PS. Case No.-332 Year-2020 Thana- BAIRIYA District- West Champaran

NAGENDRA SINGH @ NARENDRA SINGH S/o Late Baliram Singh
Resident of Bairiya Tand, Ward No.10, P.s.- Bairiya, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr.M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks' from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. M.K. Nirala,
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bairiya P.S. Case No. 332 of 2020 registered
for the offences punishable under Sections 341, 323, 324, 307,
504 and 506 of the Indian Penal Code.

Informant who happens to be the father of petitioner
lodged the present case alleging therein that while his wife went
to wake up her elder son (petitioner), he started abusing and



beating her, whereupon, when the Informant resisted this act, the petitioner further started assaulting the Informant. It is further alleged that the petitioner had also assaulted the other family members of the family.

Learned counsel for the petitioner submits that from perusal of FIR, it is evident that though it is very unfortunate incidence that the father has lodged this case against his son complaining about his unethical conduct, however, as per the allegation the Informant was beaten by fists and slaps by the petitioner but later on due to some other ailment he died and the police has submitted chargesheet under section 304 of the Indian Penal Code, besides other sections. Learned counsel for the petitioner while drawing attention to the post mortem report submits that no injury has been found over the body of the deceased and he submits that Informant died due to hit by the Cow on his abdomen and the persisting ailment. He next submits that the mother of the petitioner had filed a petition before the court below stating the true facts with regard to the innocence of the petitioner and has not supported the prosecution case. He lastly submits that be that as it may, the petitioner is in custody for a period of more than a year and has never been remained involved in any other criminal activity.



On the other hand, learned counsel for the State while opposing the bail application submits that the petitioner does not deserve the privilege of bail in view of the fact that he allegedly assaulted his own mother and father.

Regard being had to the submissions made on behalf of the parties and considering the fact that the wife of the deceased has sworn an affidavit before the court below denying the allegation of *Mar Peet* and moreover, petitioner is in custody since 08.12.2021 for over a period of more than one year as also the fact that prior to the institution of the case, petitioner was not found involved in any other criminal case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM-III, Bettiah, West Champaran** in connection with **Bairiya P.S. Case No. 332 of 2020**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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