

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36126 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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AMARJEET SINGH @ MUNNA SINGH Son of Late Suresh Singh Resident
of village - Nandpur, P.S. - Sangrampur, Distt. - East Champaran at Motihari
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Sangrampur P.S. Case No.88 of 2023 instituted under
Sections 341,323,324,307,308,379,504 & 34 of the IPC lodged
on 13.03.2023 by the informant Binod Kumar Dubey.

As per the FIR, one Vinod Kumar Dubey has alleged
in the FIR that on 12.03.2023 as the informant was preparing
the field for planting sugarcane, he heard the noise from his
flour mill located a little far away. He run towards the flour mill
and saw that all the FIR named accuseds along with unknown
persons were there armed variously abusing his brother
Shailesh Kumar Dubey. When, informant came there and tried
to save him, then accused Devendra Singh ordered to kill him.



On this, accused Amarjeet Singh assaulted Shailesh Kumar Dubey with a 'barchi' due to which he received cut injury on left side and blood started oozing out.

Accused Deepak Thakur and Santosh Singh assaulted informant's brother with iron rod, due to which he received injury on hand. Accused Ayush Kumar took Rs. 10,000/- from the pocket of informant's brother and snatched gold chain worth Rs. 50,000/- from the neck.

The accused persons also assaulted the informant and Devendra Singh took Rs. 4500/- from his pocket. Injured Shailesh Dubey was treated at Sangrampur but after seeing the serious condition, the doctors referred him to Sadar Hospital Motihari, from where he was shifted to Mani Hospital, Motihari. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that in a bid to implicate each and every family member, roles have been attributed as would manifest from the FIR itself. It is his further submission that the allegation is that this petitioner on the direction of Devendra Singh gave 'Barchi' blow to Shailesh Kumar Dubey and further in the FIR itself the informant explains that the injured was taken to Sangrampur Government Hospital and then to Sadar Hospital, Motihari,



surprisingly the injury report of a private hospital (Mani Hospital, Manihari) has been brought on record which without clarifying about a particular injury has incorporated the same to be grievous in nature.

Learned APP opposes the prayer for bail.

Considering the aforesaid facts averments of the learned counsel for the petitioner as also that he is in custody since 17.03.2023 (as stated in para-15 of the petition), this court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sangrampur P.S. Case No.88 of 2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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