

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36678 of 2022

Arising Out of PS. Case No.-762 Year-2021 Thana- GARKHA District- Saran

NATHUNI SINGH Son of Late Hari Nandan Singh Resident of village -
Kasina, P.S.- Garkha, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Informant	:	Mr. Krinshna Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 341, 323, 324, 307, 380 and 504 read with Section 34 of the Indian Penal Code and later on added Section 302 of the IPC.

As per the prosecution case, the petitioner and the co-accused persons came to the house of the informant and started



assaulting and pelting stones, due to that the informant's family members Devanti Devi, Deep Narayan Singh and Sanjay Singh sustained injuries on their heads and they snatched Rs. 50,000/- and also demolished the wall of the house of the informant.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The allegation against the petitioner is of pelting the bricks. There was no intention/knowledge to commit murder of the deceased. The informant sustained injury which is simple in nature and the injured Sanjay Singh also sustained injury which is stated to be simple in nature. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant has stated that the injured Deep Narayan Singh died after one and a half month from the date of occurrence. As per the postmortem report, the cause of death is head injury.

Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on



anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chapra at Saran in connection with Garkha P.S. Case No. 762 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with a condition:-

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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