

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40499 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- BHITAHA District- West Champaran

MANINDRA SINGH @ MANINDRA KISHOR SINGH Son of Late Janakdev Singh Resident of village-Laxmipur, Police Station-Bhitaha, District-West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41306 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- BHITAHA District- West Champaran

HARENDRA SINGH @ HARINDRA SINGH Son of Late Janakdev Singh Resident of village - Laxmipur, P.S. - Bhitaha, Distt. - West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40499 of 2023)

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Rajiv Nayan, APP

For the Informant : Mr. Kumar Amit, Advocate

(In CRIMINAL MISCELLANEOUS No. 41306 of 2023)

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

For the Informant : Mr. Kumar Amit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners, the State as also the informant.

The petitioners are in custody in connection with Bhitaha P.S. Case No. 24 of 2023 for the offence under Sections 341, 323, 324, 325, 307, 302, 447 and 504/34 of the Indian



Penal Code lodged on 23.02.2023 by the informant, Satyendra Kumar Singh.

As per the prosecution story, the allegation is that the accused persons armed variously came and abused and further Dillu @ Dileshwar Singh gave multiple iron rod blow on the head of the informant's father causing head injury and he became unconscious.

As the informant/family members came to his rescue, allegation is that the peitioner, Manindra Singh (Cr. Misc. No. 40499 of 2023) assaulted him while Harendra Singh (in Cr. Misc. No. 41306 of 2023) assaulted the brother of the informant namely, Satyaprakash Singh. Subsequently, the informant's father succumbed to the injuries. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that though belatedly, there is a counter version to the said case. Further, main allegation is against Dillu @ Dileshwar Singh of giving multiple blows on the head of the informant's father causing his death.

So far as the informant and his brother are concerned, whom these two petitioners have allegedly assaulted with the help of paragraph 13 of the petition, it has been stated that the



same were found to be superficial in nature.

Learned counsel for the informant, on the other hand, submits that there is the death of informant's father and further, whatever may be the report, both the injured had suffered due to injuries on their head.

Taking into account the aforesaid facts/submissions put forward by the rival parties as also that the main allegation is against Dillu @ Dileshwar Singh, whose assault caused death of the informant's father, these petitioners assaulted informant/his brother and as per the submission/statement of the learned counsel for the petitioner, the same has been found to be superficial in nature, have remained in custody since 24.02.2023 and both of them do not have any criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran (Bettiah), in connection with Bhitaha P.S. Case No. 24 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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