

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52767 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- BARAULI District- Gopalganj

Satyam Singh S/o- Rajeshwar Singh, R/o Village- Bharkuyan, Ward No-6,
Barauli Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Shashi Shekhar Tiwary, learned counsel for
the petitioner and Mr. Uma Shankar Prasad Singh, learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Barauli P.S. Case No. 214 of 2021 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

3. Allegedly, while the husband of the informant was
at his shop, in the meantime, all the FIR named accused persons
including the petitioner armed with *lathi*, *danda* and rod came
there and brutally assaulted him which resulted into his death
during the course of treatment.

4. Learned counsel for the petitioner submits that from
the narration of the FIR, it is evident that omnibus allegation has



been levelled against all the FIR named accused persons and no specific allegation of any overt act has been levelled against the petitioner. That apart, the occurrence took place on 15.07.2021 but the FIR has been lodged after a delay of 12 days on 27.07.2021 without there being any explanation for the said delay. He further submits that since the petitioner has been residing at a different place and therefore the charge-sheet has been submitted only against Subham Singh, Aman Patel and Sanoj Sah and the petitioner has been shown to be absconded. Further all the aforementioned three accused persons were put on trial and vide judgment dated 18.04.2022, they have been acquitted from all the charges, the copy of the judgment has been brought on record by way of Annexure-3. He next submits that the petitioner being aggrieved by the order taking cognizance, assailed the same in Criminal Revision No. 548 of 2022, which was set aside by the learned Revisional Court and remitted the matter to the jurisdictional court for fresh consideration. However, subsequently, cognizance has been taken for the offences alleged. Thus the present application. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the trial and will remain present on each and every date till its conclusion.



5. On the other hand, learned counsel for the State while opposing the application submits that the petitioner remained absconded due to which trial has hampered, and as such, he does not deserve any sympathy.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging the FIR and the fact that other co-accused persons having identical allegation have been acquitted by the learned Trial Court, apart from the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Gopalganj in connection with Barauli P.S. Case No. 214 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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