

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46276 of 2023

Arising Out of PS. Case No.-179 Year-2020 Thana- SISWAN District- Siwan

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BABBAN KUMAR SINGH SON OF SRI RAM AYODHYA SINGH R/O
Village- Saipur, P.S- Siswan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
07.11.2022 in connection with Siswan P.S. Case No. 179 of
2020, F.I.R. dated 13.08.2020 registered for the offence
punishable under Sections 147, 341, 323, 302/120B of the
IPC.

3. The allegation against the petitioner, as per First
Information Report, is that petitioner along with other accused
persons caught hold the son of the informant and two accused
persons, namely, Sonu Kumar Singh and Mithilesh Kumar
Singh assaulted the son of the informant by means of dagger
due to which, he died.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against the petitioner that he alongwith other co-accused persons caught hold of the informant's son and the co-accused persons, namely, Sonu Kumar Singh and Mithilesh Kumar Singh assaulted the son of the informant. Learned counsel for the petitioner submits that due to previous dispute with respect to one case lodged by the uncle of the petitioner, namely, Ram Pravesh Singh, who is also a co-accused in this case had lodged a case against the brothers of the informant and from bare perusal of the FIR it appears that the FIR has been lodged after preparation of the inquest report and the postmortem report and the co-accused persons, namely, Ram Pravesh Singh, Sonu Kumar Singh and Manoj Kumar Singh @ Akhilesh Singh have been granted bail by different Coordinate Bench of this Hon'ble Court vide orders dated 06.12.2021, 24.03.2022 and 24.07.2023 passed in Cr. Misc. Nos. 29079 of 2021, 30490 of 2021 and 39393 of 2023



respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.11.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner .

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Siwan in connection with Siswan P.S. Case No. 179 of 2020, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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 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.

(Rajesh Kumar Verma, J)

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