

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54108 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- DERNI BAZAR District- Saran

RAKESH SINGH @ RAKESH KUMAR SINGH SON OF TARKSHWAR
SINGH RESIDENT OF VILLAGE- LOCHACHA PS DERNI, DIST-
SARAN, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection
with Derni P.S. Case No. 214 of 2022 registered under
Sections 341, 302, 307/34, 323, 324, 325, 504 of the Indian
Penal Code lodged on 12.11.2022 by the informant, Putul
Devi.

As per the prosecution story, the allegation is that
on the order of Tarkeshwar Singh, the other accused persons
as well as the petitioner assaulted the informant causing
serious injury. Further, specific allegation is against Suresh
Singh and Raja Singh that they assaulted Kaushal Kumar,



who had come to his rescue causing head injury whereas Suresh Singh used '*sword*' on Kaushal Kumar causing injury on his both legs. They were taken to the Government Hospital and from there to PMCH, Patna where the husband of the informant succumbed to the injuries.

Learned counsel for the petitioner submits that so far as the assault part is concerned, omnibus allegation is against this petitioner besides other co-accused of having assaulted the informant's husband. Further specific allegation is against the named accused persons of injuring Kaushal Kumar. She further submits that the petitioner has already been in custody since 12.12.2022 (as stated in paragraph-10 of the petition). Last submission is that co-accused, Pintu Sharma @ Pintu Kumar Sharma, who is similarly placed along with the petitioner has since been extended the privilege of bail vide order dated 17.05.2023 passed in Cr. Mis. NO. 21426 of 2023

Learned APP opposes the prayer for bail stating that the informant's husband died and allegation of assault amongst other is against this petitioner.

Considering the fact that omnibus allegation is



against this petitioner, he is in custody since 12.12.2022, specific allegation is against Suresh Singh, Shailesh Singh and Raju Singh and one of the similar placed co-accused Pintu Sharma @ Pintu Kumar Sharma has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Derni P.S. Case No. 214 of 2022, 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 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/her 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 his 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)

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