

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50520 of 2023**

Arising Out of PS. Case No.-98 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Aman Kumar @ Suman Singh Son Of Arvind Singh Resident Of Village -  
Laxmanpur, Police Station - Ara (Muffasil), District - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Shashikant, Advocate     |
| For the Informant        | : | Mr. Vinod Kumar, Advocate    |
| For the Opposite Party/s | : | Mr. Ganesh Prasad Singh, APP |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      30-08-2023                      Heard learned counsel for the petitioner, learned  
counsel for the Informant and learned Additional Public  
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
08.04.2023 in connection with Ara (Muffasil) P.S. Case No. 98  
of 2023, F.I.R. dated 02.03.2023 for the offences punishable  
under Sections 341, 323, 324, 307, 379, 504 of the Indian Penal  
Code and later on Section 302 I.P.C. was added.

3. According to prosecution case, the informant alleged  
that the petitioner along with other co-accused persons entered  
in his house and the petitioner pointed country pistol upon the  
head of informant's son namely, Bablu Singh and other co-  
accused Raja Singh gave axe blow upon his head due to which



he sustained injuries and died during course of treatment. It is further alleged that prior to the incident, the accused persons threatened the informant's son to face dire consequences.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including this petitioner and in second part, there is specific allegation against co-accused namely, Arvind Singh he is the order giver and co-accused namely Raja Singh has assaulted with the Tangi on the head of the son of the informant and thereafter, the petitioner has assaulted with the iron rod to the son of the informant and cause of death is due to head injury, which is mentioned in the postmortem report and petitioner has not assaulted on the head of son of the informant. He further submits that similarly situated, co-accused, namely, Arvind Singh who is father of the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No.



38258 of 2023 with a condition that the petitioner will be released on bail after framing of charge, if charge is not framed.

5. Learned counsel for the petitioner further submits that the charge has already been framed against all the accused persons including the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.04.2023.

6. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted with the iron rod to the son of the informant.

7. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and cause of death due to head injury and similarly situated co-accused has been granted bail, 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 the learned Additional Chief Judicial Magistrate-VII, Ara in connection with Ara (Muffasil) P.S. Case No. 98 of 2023, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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