

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51745 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- DESARI District- Vaishali

SUDHIR SINGH @ GUDDU Son of Asheshwar Singh Resident of Village -
Sahdei, P.S.- Desari (Sahdei O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since
18.12.2021 in connection with Desari (Sahdei O.P.) P.S. Case
No. 106 of 2021, F.I.R. dated 20.03.2021 for the offences
punishable under Sections 341, 323, 307, 302, 506 of the Indian
Penal Code.

According to prosecution case, in brief, is that
informant namely, Anuj Kumar Singh stating therein that his
mother Anshu Devi was sitting at the door of her house on dated
18.03.2021 at about 11.00 O'clock in the day. In the meantime,
petititioner Sudhi Singh @ Guddu and other F.I.R. named



accused persons armed with deadly weapons came at the informant's door and told that they will not returned back the mortgage land and they will also not get the back amounts from him. If you want to save your life then you should put your signature on this stamp paper otherwise result will be very bad. But when Anshu Devi refused to do so then all the accused persons including the petitioner gave a blow of iron rod on the head of Anshu Devi with intention to kill her due to which Anshu Devi sustained head injury and blood started oozing out and she fell down unconscious. When informant's father came to rescue Anshu Devi they petitioner against assaulted to informant's father by means of iron rod due to he also sustained head injury and blood started oozing out from his head. In the meantime other co-accused namely, Shobha Devi, Ragini Devi and Babli Devi also indiscriminately inflicted lathi upon father, mother and informant due to which they also sustained grievous injury on their respective persons. When people of that vicinity started assembling there then accused persons fled away. Later on aforesaid both injured persons were taken to Sadar Hospital Hajipur for treatment and during course of treatment Anshu Devi died.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case due to previous admitted land dispute. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 18.03.2021 but the present was instituted on 20.03.2023 after delay of two days without any explanation of delay. He further submits that as per allegation as alleged in the F.I.R. is that the petitioner blow on the iron rod on the head of the deceased with intention to kill her due to which deceased sustained head injury and after two days she died. He further submits that there was no intention to kill the deceased and due to admitted land dispute the present occurrence had taken place and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.12.2021.

Vide order dated 13.03.2023 a report was called for with regard to the present stage of trial. Report of the learned trial court dated 28.03.2023 reveals that till date no prosecution witnesses have been examined.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not likely to be concluded in near future and the petitioner is in custody since 18.12.2021.



Considering the aforesaid facts and circumstances, petitioner has clean antecedent and due to land dispute the present occurrence had taken place and till date no prosecution witnesses have been examined, 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-IX, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 106 of 2021, 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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