

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58359 of 2023**

Arising Out of PS. Case No.-81 Year-2023 Thana- ITARHI District- Buxar

SANJAY SINGH SON OF LATE SHAMBHU SINGH RESIDENT OF  
VILLAGE -HAKIMPUR, PS- ITHADI, DISTT- BUXAR

... .. Petitioner/s

## Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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

2 14-09-2023

1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 15.06.2023 seeks bail, in connection with Itarhi P.S. Case No. 81/2023, dated 20.03.2023, registered for the offences punishable under Sections 147, 149, 341, 307, 302 & 504 of the IPC.

3. According to prosecution case, the petitioner along with other co-accused persons assaulted the mother of the informant due to which she sustained injury on her nose and left side of eye. During course of treatment, the mother of the informant died.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the present case is counter blast of Itarhi P.S. Case No. 61/2023 filed by the wife of the petitioner against the family members of the informant. He further submits that from perusal of



the F.I.R., 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 all the accused persons including the petitioner that they have assaulted the mother of the informant and the mother of the informant has died during course of her treatment. The petitioner is in custody since 15.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. that the petitioner was also involved in the present crime in question and apart from that the petitioner has carried eight criminal antecedent other than the present one.

6. Learned counsel for the petitioner submits on the basis of instruction that the petitioner is on bail in all the eight cases as mentioned in paragraph 3 of the bail petition.

6. Considering the aforesaid facts and circumstances, 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 C.J.M., Buxar in connection with Itarhi P.S. Case No. 81/2023, subject to the following conditions:-

1. Learned trial court is directed to verify the genuineness that whether the petitioner is on bail in all the eight cases as mentioned in paragraph 3 of the bail petition and if the petitioner is



not found on bail in all the aforesaid cases, the bail bond of the petitioner would not be accepted by the learned trial court.

2. 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.

3. 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.

4. 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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