

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58666 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- MALI District- Aurangabad

=====

SASHIBHUSHAN SINGH S/O LATE RAM NARAIN SINGH RESIDENT
OF VILLAGE ETAWAH, PS- MALI, DIST- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard Mr. Sunil Kumar Singh, learned counsel for

the petitioner and Mr. Dhananjay Kumar, learned counsel for the

informant and learned APP for the State.

The petitioner is in judicial custody in connection
with Mali P.S. Case No. 43 of 2023 registered under Sections
341, 323, 337, 307, 504 and 506/34 of the Indian Penal Code
and later on Section 302 of the Indian Penal Code is added
lodged on 07.05.2023 by the informant, Mandip Singh.

As per the prosecution story, the accused persons
used bricks and stones to thrash the informant's side causing
injury to his son, Vijay Singh @ Munna Singh. Specific
allegation has been made against named accused persons. So far
as this petitioner is concerned, allegation is that he also came



and abused/threatened the informant.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the informant, who is not an eye witness has only to implicate him, has assigned a role that he abused and threatened the informant's side. Further submission is that he is in custody since 10.07.2023 (as stated in paragraph-13 of the petition) and do not have criminal antecedent.

Learned counsel for the informant on the other hand submits that the allegation is there that he was present at the spot and also abused/threatened and being a part of the Mob, he cannot exonerate himself from the accusation that has been made in the FIR

Taking into account the fact that no role has been assigned to the petitioner so far as the unfortunate death/killing of the informant's son is concerned, the only allegation is that he abused/threatened, is in custody since 10.07.2023 (as stated in paragraph-13 of the petition) and he do not have criminal antecedent, 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 Chief Judicial



Magistrate, Aurangabad in connection with Mali P.S. Case No. 43 of 2023 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)

Jagdish/-

U		T	
---	--	---	--

