

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59924 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- KALYANPUR District- East Champaran

NAWAL SINGH @ NAWAL KISHORE SINGH S/o Md. Sadi Singh @
Mosadi Singh R/v- Mani Bahuwara, P.S.- Kalyanpur, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Kalyanpur PS case no. 84 of 2021 instituted for the
offences punishable under Sections 302, 354 and other allied
sections of the Indian Penal Code.

The petitioner along with other accused
persons are stated to have assaulted the son of the informant
while he was coming back from Muzaffarpur, with knife,
sword and iron rod and upon an alarm being raised by the son
of the informant, the informant and her husband had arrived at
the spot to rescue their son, whereupon the husband of the
informant was also assaulted and injured, however, the son of



the informant had sustained grievous injuries and had succumbed to his injuries, subsequently.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 18.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is stated to be an accused in one other case but he is on bail in the said case. Lastly, it is submitted that a general and omnibus allegation has been levelled against all the accused persons of assaulting the son of the informant, however, as far as the petitioner is concerned, there is no specific allegation of him having engaged in any sort of overt act, nonetheless, it is stated that the petitioner shall abide by such conditions as may be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the accused persons including the petitioner are responsible for gruesome murder of the son of the informant.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned



counsel for the parties and taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled against the accused persons including the petitioner herein, totaling 06 in number, of having assaulted the son of the informant, resulting in his subsequent death, on account of the injuries sustained by him in the said incident, hence I am not inclined to grant bail to the petitioner, at the moment, however, I direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions, as may be deemed fit and appropriate to be imposed by the learned court of A.C.J.M.VI, East Champaran at Motihari in connection with Kalyanpur PS case no. 84 of 2021.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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