

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72231 of 2022

Arising Out of PS. Case No.-813 Year-2020 Thana- SONEPUR District- Saran

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UPENDRA SINGH @ BIRENDRA SINGH S/O BHOLA SINGH Resident of
village- Sabalpur, Bengali Tola, P.S.- Sonapur, District- Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Kalyan Shankar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sonapur P. S. Case No. 813 of 2020
registered for the offences punishable under Sections 147, 148,
448, 504, 506, 323, 324, 325, 307 and 379 of the Indian Penal
Code and later on Section 302 of the Indian Penal Code was
added.

The prosecution case is based on a written report



filed by the informant alleging therein that on 30.10.2020 all the named accused persons including the petitioner and five to seven unknown persons variously armed came to the house of the informant and started abusing. It is further alleged that the accused Lal Babu Singh gave blow with the butt of gun on the waist of Kedar Kumar and the petitioner assaulted the nephew of the informant by means of iron rod over his head due to which he fell down. It is also alleged that co-accused Kapil Singh pierced barchi on the head of Kedar Kumar which crossed through the head. The other accused persons also assaulted the informant and other persons, however, in course of treatment the nephew of the informant succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submitted that earlier the prayer of the petitioner was considered and regard being had to the submissions made on behalf of the parties and consideration of the specific nature of accusation as well as the post mortem report, the Court was not persuaded to enlarge the petitioner on bail for the present. However, liberty was granted to the petitioner to renew his prayer for bail after framing of charge. A supplementary affidavit has been filed on behalf of the petitioner bringing on record the orders showing framing of charge on 29.09.2022 in



Sessions Trial No. 453 of 2022 arising out of Sonapur P. S. Case No. 813 of 2020.

It is further submitted that the petitioner is in custody since 16.03.2021, having fair antecedent and he gives undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State while opposing the bail application submits that there is specific allegation against the petitioner that he assaulted the nephew of the informant by means of iron rod over his head.

Having heard the learned counsels for the parties and considering the observation made by this Court earlier vide order dated 19.09.2022 and also taking into consideration the fact that charges have already been framed, apart from the case and counter case and the fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P. S. Case No. 813 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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