

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6653 of 2024

Arising Out of PS. Case No.-593 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Badal Kumar, S/o- Indradev Singh, Resident of Village-Kolakhurd, P.S.-
Jagdishpur, Dist- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr. Amar Anand, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-05-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The accused/petitioner is named in the FIR and

appending his arrest in connection with Jagdishpur P.S. Case

No.593 of 2022 for the offences punishable under Sections

147, 148, 149, 323, 307 and 504 of the Indian Penal Code

but, later on, Section 302 of the Indian Penal Code was

added in the FIR.

3. Allegation against the petitioner is to commit

the murder of the son of informant due to local disputes and

differences.

4. It is submitted by learned counsel that from

the re-statement of informant as available in para-4 of the



case diary, it appears that he is not the eye-witness of the occurrence and came to know about the occurrence only when nearby people raised alarm. It is further submitted that as per re-statement when informant arrived near to his injured son, he was found senseless. It is submitted that during course of investigation, none of the witnesses claimed to be an eye-witness of the occurrence and purely on the basis of suspicion, the petitioner has been implicated with present case, where nature of allegation is appearing very much general and omnibus as to assault the deceased with fist and slaps along with ten co-accused persons. While concluding argument, it is submitted that the petitioner is a man of clean antecedent.

5. The learned APP for the State opposes the prayer of bail.

6. In view of aforesaid facts and circumstances as the informant not appears eye-witness of the occurrence, where nature of allegation *qua* physical assault is appearing very much general and omnibus, accordingly, the above-named petitioner is directed to be released on bail in the



event of his arrest or surrender within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 593 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) That the petitioner shall co-operate in investigation/trial.

(ii) That the petitioner shall remain physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

