

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13615 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- RIVILGANJ District- Saran

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Jaleshwar Singh S/o Late Binda Singh R/o vill - Nawada, P.s. - Rivilganj,
Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s :	Mr. Anil Prasad Singh, APP
For the Informant :	Mr. Udai Shankar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 2 06-03-2024 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.
2. Learned counsel for the petitioner is permitted to
make necessary correction in paragraph-3 of the present bail
application during course of the day.
3. The petitioner seeks bail in connection with
Rivilganj P.S. case No. 346 of 2023 instituted for the offences
under Sections 341, 323, 324, 307, 302, 504, 506, of the Indian
Penal Code and 27, 35 of the Arms Act.



4. Prosecution case, in short, is that on the alleged date and time of occurrence, the petitioner and his family members were digging foundation in the land of the informant. On protest, the petitioner along with other co-accused persons caught hold the brother of the informant and co-accused Dhanjiv Singh fired upon him due to which he died.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific accusation of firing is attributed to the co-accused Dhanjiv Singh. There is case and counter-case between the parties. Learned counsel further submitted that the petitioner is suffering from old age ailments. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.11.2023 and has been convicted in one case.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant has prayed that petitioner may not be released on bail by specifically referring to Section 437(1)(ii) of the Cr.P.C. that



such person who has been previously convicted and sentenced to imprisonment for life or sentenced to imprisonment for seven years or more, shall not be released on bail.

7. At this stage, learned counsel for the petitioner specifically referred to proviso to Section 437(1)(ii) of the Cr.P.C. which says that the Court may release the person on bail if such person is under the age of sixteen years, or is a woman or is sick or infirm. The proviso further says that a person referred to in clause (ii) may be released on bail if the Court thinks it just and proper so to do for any other special reason. Learned counsel further submitted that the age of the petitioner is about 76 years and he is suffering from several old age ailments, and therefore, urged that the petitioner may be released on bail.

8. Considering the aforesaid facts and circumstances of the case, and taking into account the old age of the petitioner, the proviso to Section 437(1)(ii) as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Rivilganj P.S. case
No. 346 of 2023.

Alok Verma/-
(Rudra Prakash Mishra, J)

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