

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31556 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- SANGRAMPUR District- Munger

ARYAN KUMAR SINGH @ SHUBHAM KUMAR SINGH SON OF
DIPENDRA SINGH RESIDENT OF VILLAGE - SANGRAMPUR, P.S. -
SANGRAMPUR, DISTRICT - MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 24-10-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Sangrampur P.S. Case No. 175 of 2022 for the offence punishable under Sections 341, 323, 325, 307, 302, 120(B), 34 of the Indian Penal Code lodged on 25.06.2022 by the informant, Manish Kumar Singh.

3. As per the prosecution story, the informant alleged that on 15.04.2022, he alongwith his brother had gone to attend a feast when the accused persons which included this petitioner came with iron rod and attacked his brother who became unconscious. He was rushed to the Jawaharlal Nehru Medical College and Hospital, Bhagalpur and from there to Siliguri but



was again returned to the same hospital, Bhagalpur where after two months he died on 25.06.2022. Subsequently, the FIR.

4. Learned counsel for the petitioner submits that the alleged occurrence took place in the month of April, 2022 when no FIR was lodged. The brother of the informant was taken to the Bhagalpur hospital and then to Siliguri and returned to Bhagalpur and during that period also there was no FIR. Further, whether the death took place due to assault or he died the natural death, the fact remains that only after two months of the occurrence and once the brother was no more, the FIR.

5. The petitioner is in custody immediately thereafter since 26.06.2022 (para-7 of the petition) and do not have criminal antecedent. Given a chance, he shall diligently appear in trial. Learned counsel for the petitioner submits that the case has been assigned through the Patna High Court Legal Services Committee and as such he is putting in his appearance.

6. Learned APP opposes the prayer submitting that allegations is that the accused persons assaulted the informant's brother who after two months of treatment died.

7. Taking into account the aforesaid submissions put forward by the parties as also the fact that admittedly, there is delay of two months in lodging the FIR, the brother of the



informant died after getting treatment for two long months, within a day of the lodging of the FIR, the petitioner came into judicial custody, he has already remained as such since last two one and half years, he has undertaken that he will be diligently appearing in trial and further do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-1st Munger, in connection with Sangrampur P.S. Case No. 175 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his 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 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 his



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 the 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 his bail bonds.

(Rajiv Roy, J)

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