

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58630 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- RAJPUR District- Buxar

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Birendra Singh Son of Late Shwami Nath Singh Village- Rampur Ps- Rajpur
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Dr. Kamal Deo Sharma, Adv.
For the Opposite Party/s	:	Mrs.Nirmala Kumari, APP
For the informant	:	Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2024 Heard Dr. Kamal Deo Sharma, learned counsel for

the petitioner, Mr. Sanjay Kumar, learned counsel for the

informant and the State.

2. The petitioner is in judicial custody in connection
with Rajpur PS Case No. 194 of 2024 for the offences
punishable under Sections 302, 120(B)/34 of the IPC, lodged on
24.06.2024 by the informant, Jagdish Singh.

3. As per the prosecution story, the informant alleged
that his son had gone to the pond to feed the fish but he failed to
return and as the call was also not answered, they went
searching and found his dead body, as they had reasons to
believe about the conspiracy theory of Sonamati Devi with her
son-in-law, Chhatthu Lal Singh and other family members, on
the belief that they have killed him, the FIR/arrest.



4. Learned counsel for the petitioner submits that *bona fide* of the petitioner can be seen from the fact that immediately after the occurrence, he went into the judicial custody, is in jail since 24.06.2024, has no criminal antecedent and further, though the charge-sheet has been submitted, there is nothing on record to show that anyone has come forward or have seen the actual occurrence and/or alleged against any of the accused who have assaulted the son of the informant. Merely because, there was some issues between the parties, they have been implicated for which he has already suffered.

5. Learned counsel for the informant, on the other hand has taken this Court to the FIR to submit that they are named and the informant has genuine apprehension that they are the persons behind the killing.

6. Though an innocent life has been lost, the fact remains that the family members of the petitioner have been implicated and in that background, only a proper investigation in the matter could have thrown the light. Unfortunately, nothing sort of it is on record and in between, the charge-sheet has already been submitted.

7. Considering the aforesaid facts as also his period of custody, he has no criminal antecedent and the charge-sheet



has been filed, he will be facing the trial, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, 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 Chief Judicial Magistrate, Buxar in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 month 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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