

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70729 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- MADHAURAH District- Saran

Sandeep Narayan @ Sandeep Kumar Singh S/o Satyendra Narayan @
Satyendra Narayan Singh R/o Vill- Takina, PS- Marhowrah, District- Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad

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

ORAL ORDER

3 20-11-2024 Heard Mr. Ansul, learned counsel for the petitioner

and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Marhaurah P.S. Case No. 279 of 2024 instituted for the

offences under Sections 147, 148, 149, 341, 323, 307, 302,

506, 504 of the Indian Penal Code.

3. As per prosecution case, the allegation against the

accused persons including the petitioner is of assaulting the

deceased Suresh Singh by means of *lathi*, iron rod, bricks,

stone due to which he sustained grievous injury over his

person. Thereafter, the deceased was taken to Hospital but, in

course of treatment, he died.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner, other accused persons and the Informant are agnates (Gotiya) and there is also a land dispute between them. The F.I.R. has been lodged in this case after delay of six days without there being any plausible explanation for such a delay which creates doubt in the prosecution case. No specific overt act has been attributed against the petitioner rather the specific allegation of giving order is against Indrajeet Kumar @ Kamlesh Singh. The allegation of assault has been made against nine persons but, there is no specific allegation against any one. He further submits that the deceased died on 12.05.2024 and the autopsy of the dead body was made on 13.05.2024 and on the same day, the F.I.R. was lodged. From the postmortem report, it appears that the cause of death is head injury but, in the F.I.R., there is no mention of any assault on the head of the deceased. There is no eye-witness to the alleged occurrence. There is also no independent witness rather all



the witnesses are interested witnesses. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Marhaurah P.S. Case No. 279 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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