

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76786 of 2024

Arising Out of PS. Case No.-212 Year-2017 Thana- MAHUA District- Vaishali

Sita Ram Singh S/O Late Baleshwar Singh R.O Vill- Ramnagar Chakdara
P.S- Mahua Dist-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2024 Heard Mr. Ansul, learned counsel for the petitioner
and Mr. Uday Pratap Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 20.07.2024, in connection with Sessions Trial No. 579 of 2024 arising out of Mahua P.S. Case No. 212 of 2017, F.I.R. dated 25.08.2017 registered for the offences punishable under Sections 302, 201, 325, 380 and 34 of the Indian Penal Code.

3. According to the prosecution case, all the FIR named accused persons including the petitioner entered into the house of the informant's sister and murdered her in order to grab her land and they also looted articles from the house and disappeared her dead body.

4. Earlier the petitioner along with others have moved before this Hon'ble Court for grant of anticipatory bail in Cr.



Misc. No. 17399 of 2018 which was disposed of vide order dated 01.05.2018 with a direction “ *the petitioner will be released on provisional bail till submission of chargesheet, with a condition that the petitioner has to co-operate in the investigation and when the chargesheet is submitted and the case is found true against him, he will surrender and make payer for regular bail, which will be considered by him on the basis of materials available at the time of bail application.*”

He further submits that after completion of investigation the police found the case to be true against the petitioner along with others and the police has submitted chargesheet on 22.02.2021 and on the basis of chargesheet, the learned trial Court has taken cognizance vide order dated 09.03.2022. He further submits that after cognizance the petitioner again moved for grant of anticipatory bail in Cr. Misc. No. 26412 of 2022 and the same was dismissed as withdrawn with a liberty to surrender and apply for regular bail. Thereafter, the petitioner has surrendered on 20.07.2024. He further submits that without any material, the police has filed chargesheet, even the dead body of the deceased has not been found as yet. He further submits that the other co-accused persons namely Yogendra Singh and Ramesh Singh against whom the similar allegation have been granted



bail by this Court vide order dated 20.09.2024 in Cr. Misc. No. 17637 of 2024.

5. Vide order dated 09.08.2024, a report was called for in Cr. Misc. No. 17637 of 2024 with respect to status of the victim from the Superintendent of Police, Vaishali at Hajipur. The report dated 19.08.2024 reveals that till date the dead body has not been recovered as yet.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the facts and circumstances of the case and the fact that earlier the petitioner has been granted the privilege of provisional bail as well as other co-accused persons namely Yogendra Singh and Ramesh Singh against whom the similar allegation have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd, Vaishali at Hajipur in connection



with Sessions Trial No. 579 of 2024 arising out of Mahua P.S.
Case No. 212 of 2017, subject to the following conditions :-

(1) Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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