

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28295 of 2015

Arising Out of PS. Case No. -178 Year- 2010 Thana -HARSIDHI District- EASTCHAMPARAN
(MOTIHARI)

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Shiv Shankar Singh, Son of Mahabir Singh, resident of village - Harsidhi,
P.S. Harsidhi, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 447, 323, 324, 307, 379, 504 and 34 of the
Indian penal Code and Section 27 of the Arms Act registered in
connection with Harsidhi P.S. Case No. 178 of 2010.

3. It is submitted that the petitioner has been falsely
implicated as there is case and counter case between the parties.
In any event, the accusation of assault with iron rod and *Farsa* is
general and omnibus against three accused persons including the
petitioner whereas the accusation of carrying firearm is upon co-
accused Ram Babu Singh and injuries inflicted upon Jasbant
Singh being the son of the informant are simple in nature.

4. Having regard to the entirety of the facts and

circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named 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 Sri B.K. Choudhary, learned Judicial Magistrate, Ist Class, East Champaran at Motihari, in connection with Trial No.1168 of 2012 arising out of Harsidhi P.S. Case No. 178 of 2010, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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