

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39427 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -MASRAKH District- SARAN

Sonu Singh @ Rohit Singh, son of Tarkeshwar Singh, Resident of village-Chainpur, P.S.-Mashrakh, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44029 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -MASRAKH District- SARAN

1. Tarkeshwar Singh Sonof Late Raghunath Singh resident of village-Chainpur, P.S.- Masrakh, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39427 of 2014)

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Rita Verma (App)

(In Cr.Misc. No.44029 of 2014)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Gulnar Begum(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 03-02-2015 Both the cases arise out of Mashrakh P. S. Case No. 64 of 2014 as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case registered for offences punishable under Section 147, 148, 149, 341, 323, 324, 307, 452 I.P.C. and later on 302 of the Indian Penal Code was added.

The allegation against the petitioner Sonu Singh @ Rohit Singh is to have entered into the house of the informant for

theft but the inmate awoke and he went away leaving his towel and his sleeper. When the informant went to the house of the petitioner to complain, the petitioner threw stone upon the forehead of the informant which caused injury. The allegation against petitioner Tarkeshwar Singh is that he assaulted the other relatives of the informant.

It is submitted that there is case and counter case for the same occurrence. Petitioner Tarkeshwar Singh has also lodged a case against the son of the informant, Rajesh Mahto and Shiv Lal Mahto for the same occurrence, which has been registered as Mashrakh P.S. Case no. 65/2014 for the offences punishable under sections 307 and other allied Sections of the Indian Penal Code.

It is submitted that the main allegation against the petitioner Sonu Singh is to have given a single blow on the head of the informant by stone as such no case under Section 307 of the Indian Penal Code is made out against him. He has no criminal antecedent. There is no specific allegation against Tarkeshwar Singh to have assaulted the informant. After investigation, charge sheet has already been submitted and there is no apprehension of tampering with the evidence.

Considering the facts and circumstances, the above named petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran/court concerned in connection with Mashrakh P.S. Case No. 64 of 2014 ***after framing of charge*** with following conditions:-

- I) One of the bailors will be the close relative of the petitioners.
- II) The petitioners will not indulge in similar or in any other offence.
- III) The petitioners will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the Court concerned.

(Amaresh Kumar Lal, J)

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