

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30672 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

1. Birendra Kumar Singh Son of Jagdish Prasad Singh R/o village -
Faridpur, P.S. Rajapakar, District - Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 341, 342, 323, 324, 307,
447, 379 and 504 of the I.P.C and section 3 (1) (X) of Schedule
Caste/ Schedule Tribe Prevention of Atrocities Act.

Allegedly, the petitioner and other F.I.R. named
accused persons being armed with lathi, Danda, Sword, Farsa,
spear and iron rod came at the door of the informant and started
abusing the informant by using his caste name and co-accused
Jagdish Prasad Singh instigated to kill the informant then the
petitioner gave farsa blow on the head of the informant causing
injury and when Bishwanath Sahni came for rescue he was also

assaulted by co-accused Umesh Kumar Singh and Nawal Kumar Singh and further co-accused Ram Chandra Singh assaulted the informant with iron rod on his left hand and other co-accused assaulted Bilti Devi and snatched silver chain from her.

Submission is of false implication and that there was free fight between the parties and for that there is case and counter case. The petitioner has also received injury which is not explained in the written report of the informant of this case. There is no allegation that the petitioner has repeated blow and as such now the petitioner deserves sympathetic consideration as he is suffering in custody since 04.05.2015 having no criminal antecedent.

The learned Special P.P. opposes prayer for bail.

Considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and further that there is no allegation that the petitioner has repeated blow and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ravi Kumar, J.M. 1st Class, Vaishali at Hajipur in Rajapakar P.S. Case No. 139 of 2014, subject to the conditions that one of the bailors must be a near relative and another having

sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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