

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38091 of 2014

Arising Out of PS.Case No. -45 Year- 2013 Thana -NTPC KHAIRA District- AURANGABAD

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Dhananjay Singh @ Dhananjay Kumar Singh son of Devendra Prasad Singh Resident of village - Badem, P.S. - N.T.P.C. Khaira, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-03-2015

Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with the allegations for the offences punishable under Sections-307, 384, 506, 323, 147, 148 and 149 of the Indian Penal Code.

Mr. Krishna Prasad Singh, learned senior advocate appearing on behalf of the petitioner has submitted that even if the entire allegation made against the petitioner in the First Information Report is taken to be correct, no specific allegation of overt act has been alleged against him save and except an omnibus allegation that the petitioner also was involved in the said occurrence. He further points out that the case of



petitioner is clearly distinguishable as against those co-accused who had allegedly participated in the assault and were also specifically named by the informant in the same F.I.R. He has highlighted that there is a case and counter case as with regard to the same occurrence and the petitioner has also got no criminal antecedent and thus he has been falsely implicated in this case.

This Court finds force in such submission of learned counsel for the petitioner for two reasons. Firstly, there is no specific allegation of any overt act against the petitioner which names many other persons with an allegation of specific overt act and secondly he has got no criminal antecedent.

That being so, if the petitioner namely, **Dhananjay Singh @ Dhananjay Kumar Singh** surrenders within a period of four weeks from today, he would 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 **Chief Judicial**



Magistrate, Aurangabad in connection with **N.T.P.C Khaira P.S. Case No. 45 of 2013** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers

on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone

Ranjan/-

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(Mihir Kumar Jha, J)