

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21700 of 2016

Arising Out of PS.Case No. -182 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

1. Haridwar Singh son of Late Raj Kumar Singh Resident of Village-
Bampali, P.S.- Udwantnagar, District- Bhojpur..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Binod Kumar (App)

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

ORAL ORDER

3 01-07-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Udwantnagar P.S. Case No. 182 of 2015 registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324,
325, 307, 448, 380, 427, 504, 505, 510, 302 of the Indian Penal
Code.

Allegedly, the petitioner and other FIR named accused
persons came being variously armed, started abusing which was
protested then the petitioner caused threats to kill with rifle, co-
accused Maharana Pratap Singh was armed with gun and when
Arjun Singh, the father of the informant, forbade, he was assaulted
by the petitioner by the butt of the rifle on his head causing serious
injury and bleeding and when Munna Singh, Keshav Singh, Bibha
Devi and Rajeev Kumar came for rescue, they were also assaulted

by them and co-accused Maharana Pratap Singh assaulted Bhibha Devi with butt of gun. Keshaw Singh was assaulted by Subodh and Munna Singh by hockey stick and further others were also assaulted and accused persons snatched gold chain and ear ring from Bhibha Devi. Subsequently Arjun Singh died.

Submission is of false implication and that though in the first information report there is allegation against the petitioner to have assaulted the deceased with butt of rifle and it goes to show that there was no intention to commit murder, there was free fight between the parties for land dispute, there is case and counter case, the petitioner was also injured and he has lodged the case also, during investigation the injured have not stated specifically that the petitioner assaulted with butt of the rifle rather they have stated that the accused persons assaulted, other co-accused have been allowed bail, some of the witnesses have stated that this petitioner assaulted with butt of the rifle and Shivjee Singh assaulted with lathi on the head of the deceased but only one injury has been found and as such the petitioner who is suffering in custody since 19.07.2015 deserves sympathetic consideration, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by learned counsel for the

informant opposes the prayer of bail by submitting that in the first information report there is specific allegation against the petitioner.

In the facts and circumstances stated above, considering that the injured have not stated specifically and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara in connection with Udwanthnagar P.S. Case No. 182 of 2015, 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.

avin/-

(Jitendra Mohan Sharma, J)

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