

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29819 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -FATUHA District- PATNA

1. Shiv Dayal Singh Son of Late Yadu Singh Resident of Village Baruna
P.S Fathuha District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Fatuha P.S.Case No. 153/2015 registered for offence punishable
under Sections 411, 324, 380, 307, 354/34 of the Indian Penal
Code and 27 Arms Act.

The prosecution case as lodged on the basis of written
report by the informant, Niranjana Kumar on 10.04.2015 when he
was sitting in the house, in the meantime the petitioner and other
accused entered into the house with arms and lathi-danda and
assaulted the informant and his father. One Sarabjeet Kumar
assaulted with khanti on the father of the informant and when wife
of the informant came to save her father-in-law, the petitioner and

other accused also assaulted the informant's wife and Shiv Dayal Singh opened the fire with gun on the informant and his brother but that did not hit them, thereafter informant fled away and all accused persons after breaking the door had taken away Rs.1, 80,000/- in cash and also some documents.

It has been submitted by the learned counsel for the petitioner that earlier bail application filed by him bearing Cr. Misc. No. 41544 of 2015 had been withdrawn and he again moved this Court in Cr. Misc. No. 7139/2016 which was disposed of on 17.02. 2016 directing the Court below to consider the matter afresh as the petitioner has suppressed that he was accused in three more cases. The petitioner again moved the learned Court below for anticipatory bail, which was rejected on 29.03.2016.

Learned counsel for the petitioner submits that these three earlier cases which were not brought on record before the learned Court below due to inadvertence. He further submits that in the present case sections 307 and 354 of the Indian Penal Code are not made out against him and the learned Court below has merely rejected his bail application as there was earlier concealment of three prior cases. He further submits that no injury has been caused by the petitioner and there is a counter case lodged by the relative of the petitioner bearing Fathuha P. S. Case No. 158/2015.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Patna City in connection with Fathuha P.S. Case No. 153 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It may be noted that since the petitioner is an accused in three cases and does not have a clean antecedent, he is directed to appear before the police /court as and when required and on failure on two consecutive dates without any reason will entail cancellation of his bail bonds by the learned court below without being prejudiced with this order.

(Nilu Agrawal, J)

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