

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25477 of 2017

Arising out of PS.Case No. -324 Year- 2016 Thana -JAGDIHSPUR District- BHOJPUR

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1. Bhalu Singh S/o Ram Awatar Singh
2. Bhulan Singh S/o Late Buchul Singh Both Resident of Village-Awashan
Tola P.S.-Jagdishpur Distt.-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. B.N. Pandey, APP

For the Informant : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

3 08-06-2017 Before the signing of the order dictated on

07.06.2017, this case has been placed under heading “To be
mentioned” at the instance of the Court for some clarity on facts
and to pass an order accordingly.

Mr. Mukesh Kumar No.1, learned counsel appearing
for the petitioners, Mr. B.N. Pandey, learned A.P.P. for the State
and Mr. Arun Kumar Pandey, learned counsel appearing for the
informant, are present and have been heard.

The petitioners are seeking regular bail in
connection with Jagdishpur P.S. Case No. 324 of 2016 for the
offences alleged under Sections 147, 148, 149, 341, 323, 324, 307,
504, 506 and 379 of the Indian Penal Code and sections 25(1-b)a,



26 and 27 of the Arms Act. Later on section 302 IPC has also been added.

The prosecution story as alleged in the FIR, contained in Annexure-1, would show that so far these two petitioners are concerned, the allegation against them are of assaulting one Jagdish Singh and another Chhotak Singh who belonged to the informant party. Petitioner no. 1 is said to have given lathi blow to Chhotak Singh and petitioner no. 2 assaulted Jagdish Singh by Gadasa. The injury reports are placed at Annexure-2 series which would show that Jagdish Singh sustained one simple injury and another grievous injury, whereas Chhotak Singh also sustained the injury on his head but the opinion with respect to the nature of injury was kept reserved.

Learned counsel for the petitioners would submit that though the petitioners are named in the FIR, however, the injury no.1 of Jagdish Singh is simple in nature and there is no repetition of lathi blow on Chhotak Singh. He also submits that the grievous injury attributed to Jagdish Siingh on the head is said to be caused by hard blunt substance whereas the accused petitioner no. 2 who is said to have given the farsa blow cannot be said to be an injury by hard blunt substance. He has drawn my attention towards a counter case filed by the informant party and



the injury report at Annexure-4 and 4/1 showing that both the petitioners Bhalu Singh and Bhulan singh also sustained injuries on their head.

On query made about the status of the counter case, the learned counsel for the petitioners would submit that the same is under investigation and some of accused in the said case have been granted bail. Learned counsel has pointed out the orders passed by coordinate benches of this Court vide order dated 08.04.2017 in Cr. Misc. No. 16129 of 20127 and vide order dated 12.04.2017 in Cr. Misc. No. 17851 of 2017 by which co-accused against whom there are omnibus allegation of giving the lathi blow, have been ordered to be enlarged on bail.

Learned counsel for the informant opposed the prayer for bail and submitted that these two petitioners were party to the assault and had jointly assaulted the informant.

Considering the facts and circumstances of the case that the injury report from both the sides are suggesting a free fighting between the parties and so far as these two petitioners are concerned, there is no specific allegation against them of assaulting the informant who died later on and that two coordinate benches of this Court have allowed bail to the co-accused and that the petitioners have got clean antecedent as also land dispute is



admittedly going on between the parties, let above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- XI, Bhojpur at Ara, in Jagdishpur P.S. Case no. 324 of 2016; subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence; and
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the Court and on the event of failure on their part to appear before the Court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail bonds.

S.Sb/-

(Rajeev Ranjan Prasad, J)

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