

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38690 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -CHAUSA District- MADHEPURA

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Sanjay Singh, Son of Khantar Singh, resident of Village- Khoparia, P.S.-
Chousa, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh, Adv.
Mr. Alok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Chousa P.S. Case No.236 of 2016,
registered for offences alleged under Sections 147, 148, 149, 386,
387, 354, 504, 506 and 379 of the Indian Penal Code and Section
27 of the Arms Act.

Learned counsel for the petitioner submits that a bare
perusal of the First Information Report would show that the
petitioner's name has falsely been included in the name of the
accused persons. There are general and omnibus allegations that
all the accused persons were lashed with the rifle and musket and



came to the door of the informant and made firing. Learned counsel submits that so far as the present petitioner is concerned, there is no allegation at all against him of either threatening the informant by any specific act or of causing any assault against the informant or his family members. Learned counsel submits that the petitioner is co-villager of the informant and because of village rivalry he has been made accused in a number of cases as stated in paragraph 3 of the application. It is stated that out of the cases most of them are relating to two families of the informant and present petitioner.

Learned counsel submits that confining his prayer to the present case he would submit that in the present case there is nothing against the petitioner so as to keep him in custody.

Learned APP opposed the prayer for bail and submits that there are criminal antecedents as pointed out in paragraph 3 and the impugned order, but so far as the present case is concerned, in the FIR except that he is said to be a member of the unlawful mob there is no specific allegation of causing threat or injury either to the informant or his family members against the petitioner.

In the facts and circumstances of the case, considering the nature of allegation in the present case where there



is no specific allegation of assault against the petitioner, let the petitioner, namely, Sanjay Singh be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Udakishunganj, District-Madhepura in connection with Chousa P.S. Case No.236 of 2016, subject to the conditions U/S 437(3) Cr.P.C. and further condition that he would not engaged in similar activities and any prima facie case is found against him of like nature his bail bond shall be cancelled by the court below. The petitioner shall cooperate in the trial by putting his appearance or representation as the case may be on the date fixed in the matter. Any two regular defaults in appearance in course of trial would lead to cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Arvind/-

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