

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50055 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -BARAUNI District- BEGUSARAI

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Balmiki Singh, Son of Late Basho Singh, Resident of Village-Sabaura, P.S.-
Barauni, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-10-2017 Heard Shri Ajay Thakur, the learned counsel for the

petitioner, assisted by Shri Shashank Shekhar, Advocate, Shri
Ganesh Pd. Singh, the learned A.P.P. and Mr. Shyameshwar
Dayal, learned counsel for the informant.

The petitioner has filed the present petition for grant
of regular bail in connection with Barauni (Refinery) P.S. Case
No. 38 of 2017 dated 08.02.2017 for the offences punishable
under Sections 147, 148, 149, 323, 324, 307, 354(b) and 504 of
the Indian Penal Code.

The allegation of the informant is that while he was
constructing boundary wall on his ancestral property, all of sudden
the petitioner herein along with other accused persons came and
started assaulting by Khanti, rod, lathi etc. as well as abusing the



informant and others.

The learned counsel for the petitioner submits that neither any injury report has been prepared nor the statement of the injured has been recorded till the filing of the charge sheet. It is further submitted that the accused persons against whom there is allegation of assault by rod and causing injury to the informant has already been granted bail by this Court by an order dated 11.07.2017 passed in Cr. Misc. No.26789 of 2017. It is submitted that the petitioner is languishing in jail since 18.02.2017. The learned counsel for the petitioner further submits that the charge sheet has already been filed and the same would bear it out that neither the statement of the injured nor the injury report has been brought on record and moreover, since the charge sheet has been filed, there is no likelihood of tampering or interfering with the investigation. It is further submitted that the petitioner, in paragraph 12 of the petition has asserted that the Investigating Officer while inspecting the place of occurrence, had found that the plot in question is a disputed plot and the Investigating Officer had also not found any boundary wall being constructed.

Per contra, the learned counsel for the informant submits that the informant was seriously injured on account of injury inflicted by the petitioner and he was got admitted in



Paras Hospital, Patna and he survived somehow.

I have heard the learned counsel for the petitioner and find that a prima facie case has been made out for grant of regular bail to the petitioner. In the facts and circumstances of the case and particularly since similarly situated accused person has already been granted bail by this Court, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Barauni (Refinery) P.S. Case No. 38 of 2017. It is further directed that the petitioner shall appear before the learned trial court on each and every date and on his failure to appear before the learned trial court on two consecutive dates, the privilege of regular bail granted to the petitioner would stand withdrawn, the bail bond of the petitioner would be cancelled and he would be taken into custody forthwith.

It is the submission of the learned counsel for the informant that contention of the petitioner that the injury report of the injured, namely, Hrishkesh has not been brought on record till filing of the charge sheet nor his statement has been recorded, is not correct. In such view of the matter, the learned trial court shall make verification about the same before enlarging the



petitioner on bail.

(Mohit Kumar Shah, J)

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