

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39402 of 2018

Arising Out of PS. Case No.-325 Year-2017 Thana- KATEYA District- Gopalganj

Rajesh Singh, S/o Late Jawahar Singh, Resident of Village- Kapuri, P.S.-
Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.05.2018 in connection with Kateya P.S. Case No. 325/2017
for offences punishable under Sections 307 and other allied
Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while the petitioner and other accused persons were cutting
wooden clump, the informant objected on which the petitioner
armed with *tangi* and co-accused Binod Singh armed with *dab*
assaulted the informant.

It has been submitted by the learned counsel for the
petitioner that he is innocent, both sides were on inimical terms
regarding land dispute and the petitioner's side also has lodged



an FIR against the informant's side being Kateya P.S. Case No. 09 of 2018 wherein the petitioner's side also received injuries. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that three injuries have been found and doctor has opined that all injuries are grievous in nature.

Considering the facts and circumstances of the case as well as considering the period of custody and that petitioner not being single assailant, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 325/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear



on two consecutive dates without assigning any reason
will entail cancellation of his bail bonds.

- (iii) If the petitioner indulges in an offence of similar nature
in future, the prosecution will be at liberty to move
the learned court below for cancellation of his bail
bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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