

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22942 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- UPHARA District- Aurangabad

1. GUDDU SINGH
2. Lalu Singh @ Lalu Kumar
3. Ravi Kumar Singh @ Ravi Kumar @ Ravi Singhs all Son of Surendra Singh
R/o village- Gorkati, P.S.- Uphara, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioners and the
learned counsel appearing on behalf of the State.

Petitioners seek bail in connection with Upahara P.S.
Case No. 15 of 2018 for offences punishable under Sections
323, 307, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that the petitioners came to his door and started abusing his
father. Thereafter, the petitioner no. 2, Lalu Singh inflicted Farsa
blow on the head of his father and petitioner no. 1 and 3
inflicted Lathi blow on the informant, as a result, both got
seriously injured. The cause for the occurrence is old enmity.

It has been submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal antecedent and for the same occurrence a counter case being Upahara P.S. Case No. 16 of 2018 has been lodged by the petitioners' side against the informant. He submits that because of being inimical terms there was free fight between the parties and the injury report on the informant has been found to be simple in nature as contained in Annexure-3 of the present application. It is further submitted that the opinion on the father of the petitioner as per the medical report has been kept reserved and the petitioner no. 1 and 3 are languishing in judicial custody since 27.10.2018 and petitioner no. 2 is in custody since 29.10.2018, charge-sheet having been submitted there being no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that there was a case and counter case because of being previous enmity and the fact that petitioners do not have any criminal antecedent as stated in para-3 of the present application, let the petitioners above named be enlarged 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 the learned Sub Divisional Judicial



Magistrate, Daudnagar in connection with Upahara P.S. Case
No. 15 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the
petitioners having sufficient immovable properties, who will file
an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar
nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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