

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 71607 of 2019**

Arising Out of PS. Case No.-176 Year-2019 Thana- SARAI District- Vaishali

RAM PRASAD SINGH Son of Late Shivtaj Singh Resident of Village-
Anjani, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kumar Thakur, Advocate with
M/s Malay Kr Choudhary, Pravin Kr, Advocates
For the Opposite Party/s : M/s Ajit Kr, Mritunjay Kr, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks bail in a case registered under
Sections 34, 323, 448, 387, 307, 504, 506, 379/34 of Indian
Penal Code and Section 27 of Arms Act.

It is submitted by the petitioner's counsel that in view
of subsisting land dispute, the occurrence took place wherein
there is case and counter case. The counter case filed on behalf
of the petitioner's side wherein the petitioner's son has been
injured is in fact prior to the first information report lodged by
the informant.

Learned counsel for the informant has opposed the
prayer for bail. He has submitted that the delay has sufficiently



been explained since the informant's son was fighting with life and was requiring primary attention and only thereafter, first information report has been lodged by the informant.

This Court would find that the petitioner is only an order giver. The assailant, to whom the firearm is attributed, is already in custody. The petitioner has no criminal antecedent and is in custody since 04.06.2019.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel.

Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali, Hajipur in Sarai Police Station Case No 176 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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