

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27290 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- KARAKAT District- Rohtas

RAJ KUMAR SINGH @ RAJU KUMAR SINGH @ RAJU SINGH Son of
Hira Lal Singh Resident of Village- Sarvanand Dihari, P.S.- Karakat, District-
Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Uday Shankar Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-12-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Karakat P.S. Case No. 02 of 2020
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 384 and 504 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution story when the informant and his
younger brother were sitting near fire within their boundary
altogether 7 named accused reached there. It is alleged that this
petitioner was having a gun in his hand and after surrounding
the informant and his brother all the accused persons indulged in
abusing the informant side and then it is alleged that co-accused
Direndra Singh @ Saroj Singh fired from his pistol on the



informant which hit in his left arm, Santosh Singh and Rajkumar Singh @ Raju Singh (this petitioner) opened fire from their gun and on the objection raised by the uncle of the informant this petitioner fired on his uncle which hits on the thigh of the informant's uncle who received the injury.

Learned counsel for the petitioner submits that the reason for dispute as alleged is a land dispute between the parties and the allegation of firing and injury caused is on non-vital part of the body, there is no repetition of firing and there is a case and counter case in which both the sides have alleged against each other and at least two persons from both sides have suffered injuries. So far as this petitioner is concerned, he is in jail since 04.01.2020, the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein both the parties are said to be own gotiyas (co-sharers) and the dispute has taken place on account of a piece of land in which both sides have entered into a scuffle and as it appears from the materials available on the record there is an allegation that this petitioner had fired but the injury has been caused on non-vital part of the body, the



petitioner has otherwise no criminal antecedent and at this stage there is no submission on behalf of the State that release of the petitioner would result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj, District Rohtas in connection with Karakat P.S. Case No. 02 of 2020 , subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

