

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23227 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- CHACKMEHSI District- Samastipur

Rajesh Kumar Singh S/o Amar Singh Resident of Village-Balha, P.S.-
Chakmehsi, District-Samastipur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party : Mr. SM Rahman, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State through video conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 379/307 and other ancillary
sections of the Indian Penal Code.

As per F.I.R., petitioner and other accused persons
were constructing wall on complainant's Khatiyani land and on
protest by informant, they assaulted the complainant and her
family. It is further alleged that the petitioner and co-accused
Rakesh Singh pressed her neck using her *dupatta* and tried to
outrage her modesty. Accused persons snatched Rs.10,000/-
from her.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. Parties are co-
sharers and have subsisting land dispute for which sections 107
and 144 Cr.P.C. proceedings were initiated. It is further
contended that the FIR has been lodged after four days of
occurrence without any explanation for delay. As per the injury
report, the injuries have been collectively found to be grievous.
Other co-accused persons have already been allowed bail by the
Court below itself vide order dated 16.6.2020, passed in BP No.
327/2020. Petitioner is retired army man and is in custody since
10.5.2020.



In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Additional Chief Judicial Magistrate I, Samastipur in Chakmehsi Police Station Case No. 36 of 2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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