

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34997 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- BARUN District- Aurangabad

PRAMOD SINGH Son of Late Mosaheb Singh Resident of Village - Saranga,
P.S. - Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Barun P.S. Case No. 129 of 2020 for the offence punishable under Section 307, 353 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that on 19.07.2020 while the informant was on patrolling duty along with his police force, he received information at about 8:10 A.M. that at village Sarenga, on account of land dispute, there is



apprehension that altercation can take place in between two sides, whereafter the informant had reached at the said village and had found that about 100-150 villagers, variously armed, were standing there. It is alleged that the said mob had then attacked the police force and one person had inflicted farsa blow on the police, resulting in Ram Uday Sharma receiving cut injury in his right hand, whereafter some people had assaulted the informant. It is also alleged that the police force had then somehow managed to escape from the place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 19.08.2020. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case. It is also submitted that a general and omnibus allegation has been levelled against the petitioner herein and the injuries inflicted upon the injured person are not so grievous so as to be fatal in nature. Lastly, it is submitted that even if it is accepted, although denied, that the petitioner had inflicted farsa blow on the injured person namely Ram Uday Sharma, his injury report, annexed to the present petition, would show that the same is not grievous.



Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case and in fact, six persons belonging to the petitioner's side, including the petitioner herein have also been injured in the alleged occurrence and moreover, no serious injury has been caused to the injured, so as to be fatal in nature, apart from the fact that till the date of occurrence, the petitioner was having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 129 of 2020.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--



