

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19401 of 2021

Arising Out of PS. Case No.-364 Year-2019 Thana- CHANPATIA District- West Champaran

ABHYAS SINGH @ ABHYASH SINGH @ ABHASH SINGH Son of
Ramashish Singh Resident of - Kudwa Matia, P.S. - Kumarbagh O.P., District
- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-10-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Chanpatia (Kumarbagh O.P.) P.S. Case No.
364 of 2019 registered for the offences punishable under
Section 147, 148, 149, 323, 353, 307, 384 & 506 of the Indian
Penal Code and 27 of the Arms Act. He is in custody since
17.08.2020.

Learned counsel for the petitioner submits that at
the time of filing of the present application the petitioner was
accused in three cases and he is on bail in one of the cases
while his prayer for bail in other two cases are still pending.

By filing a supplementary affidavit the petitioner
has stated that during pendency of the present bail application



the police has taken the petitioner on remand in seven more cases.

Learned counsel for the petitioner submits that it is a case of false implication. Pointing out to the allegations in the F.I.R., learned counsel submits that there is no specific allegation against the petitioner. It is the case of the informant that in the alleged occurrence there were 200 unknown persons. This petitioner is named among 21 named accused but in the F.I.R. there is no allegation at all that the petitioner had committed assault on any of the member of the police party.

Learned counsel further submits that in the seven cases in which the petitioner has been taken on remand during pendency of this application, in all those cases the petitioner has been made accused on the basis of confessional statements.

Mr. Akhileshwar Dayal, learned A.P.P. for the State is present and has though opposed the prayer for bail of the petitioner but after going through the case diary, learned A.P.P. submits that in the case diary there is no criminal antecedent of the petitioner and further from the materials on the record it appears that the petitioner belongs to one of the groups of



persons who had attacked each other and were fighting by pelting stones against each other.

Having regard to the facts and circumstances in which in the F.I.R. there is no specific allegation against the petitioner, the allegations are general and omnibus against 21 named and 200 not named accused/unknown accused and so far as this petitioner is concerned, no specific material has been brought to the notice of this Court against him, further this Court has noticed that some of the co-accused similarly situated have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 26771/2020 and some of them have been granted regular bail, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Kumarbagh O.P.) P.S. Case No. 364 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

