

THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21098 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- AMBA District- Aurangabad

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ASHUTOSH KUMAR SINGH S/O LATE SANJAY SINGH R/O VILLAGE-
BADKA GAON, P.S.-AMBA, DISTRICT-AURANGABAD.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Amba P.S. Case No. 97 of 2020 for the offences registered under Section 341, 323, 504, 506, 379, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 17.10.2020 when the informant along with his uncle were irrigating the rice crop in the field whereupon the petitioner along with other accused persons came and started abusing them. Co-accused Pappu Kumar assaulted Narendra Singh on his

head with khanti as a result of which he fell down. This petitioner assaulted the informant with danda and on alarm being raised villagers came there and all accused persons ran away.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is no specific allegation of assaulting against this petitioner. The petitioner is in custody since 19.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegation against the petitioner is that of assaulting the informant, the impugned order of learned Additional Sessions Judge -V, Aurangabad takes note of the nature of injuries sustained by the informant, those are said to be simple in nature, the specific allegation of assaulting Narendra Singh is against the co-accused Pappu Kumar, this petitioner has remained in custody since 19.10.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, thus this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Aurangabad in connection with Amba P.S. Case No. 97 of 2020,

subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands 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'.