

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27249 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Jatul Singh @ Jatula Singh aged about 28 years S/O Dhanjay Singh Resident
Of Village - Odar, P.S. - Sonhan, District - Kaimur (Bhabhua).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar Singh, Advocate

For the Opposite Party : Mr. Tarkeshwar Nath Thakur A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bhabhua (Sonhan) P.S.
Case No. 320 of 2020, registered for the offence punishable
under Sections 307, 323 and other allied sections of the Indian
Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the brother of
informant was going to his shop, all the FIR named accused
persons including this petitioner started abusing him and when
he protested, co-accused Deepak Kumar Singh fired upon him
on the instigation of co-accused Kripa Narayan Singh. When
one Bhola Sah and Munsu Sah came to save them, all the
accused persons assaulted them with lathi, danda, as a result of
which they suffered injuries.

It is submitted on behalf of the petitioner that



allegation of assault is general and omnibus and no specific overt act has been raised against this petitioner. Allegation of causing firearm injury is against co-accused Deepak Kumar Singh. At best petitioner can be said to be a member of unlawful assembly. Petitioner is in custody since 08.09.2020. Charge sheet has already been submitted. Similarly situated co-accused has already been allowed bail this Court vide order dated 23.6.2021, passed in Cr. Misc. No. 8057 of 2021.

Counsel for the State vehemently opposed the prayer for bail and submitted that petitioner is named in the FIR and has got criminal antecedent.

Considering the facts and circumstances of the case and the fact that there is no allegation of any specific overt act against this petitioner, the petitioner above-named, is directed to 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 the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua (Sonhan) P.S. Case No. 320 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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