

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28443 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- TARARI District- Bhojpur

SIDHESHWAR SINGH, Son of Late Chandrajit Singh, Resident of Village - Warsi, P.S.- Tarari, Distt.- Bhojpur,

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shantanu Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Tarari P.S. Case No. 01 of 2020 registered for the offence punishable under Sections 341, 323, 307, 325, 379, 448, 354(A), 354(B), 337, 338, 504, 34 of the Indian Penal Code. He is in custody since 06.01.2021. Petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, altogether eight named accused persons had assaulted the prosecution party. So far as this petitioner is concerned, it is alleged that he along with co-accused Ramadhar Singh had assaulted the uncle of the informant by lathi, danda and bricks as a



result whereof the uncle of the informant suffered fracture in his right hand and got injury on his head. Some other persons from the prosecution party were also assaulted and they have received injuries.

Learned counsel for the petitioner submits that there is no specific allegation that this petitioner had caused fracture of the hand which is said to be a grievous injury. It is further submitted that there is a counter case of the same occurrence in which nine persons of the prosecution side are accused. The uncle of the informant of this case is one of the accused in the said case and in the said case the injured is the father-in-law of the informant Manju Devi who became unconscious due to assault given to him whereafter he was taken to Primary Health Centre from where he was sent to Sadar Hospital and then to Patna Medical College and Hospital, Patna for treatment.

The submission is that both the parties seem to have entered into the scuffle and both the parties are co-villager.

Mr. Shantanu Kumar, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case in which it seems that both the parties have entered into a scuffle and assaulted to each other, so far as this petitioner is concerned, the allegation against him is that he had used lathi, danda and bricks together with the co-accused, there are two injuries on the body of the uncle of the informant, however, no specific injury has been attributed to the petitioner, both sides have suffered injury and the petitioner has



remained in custody for over nine months, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing 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, Bhojpur at Ara in connection with Tarari P.S. Case No. 01 of 2020, 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)

vats/-

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

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'.

