

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29219 of 2020

Arising Out of PS. Case No.-134 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Ramesh Kumar @ Ramesh Singh @ Ramesh Kumar Singh, Son of Shiv Murat Singh, Resident of Village- Bhaluhi, P.S.- Mohania, District- Kaimur (Bhabhua).
2. Krishna Kumar, Son of Ramesh Kumar Singh, Resident of Village- Bhaluhi, P.S.- Mohania, District- Kaimur (Bhabhua).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Prem Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Dhananjay Kumar Upadhayay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 18-01-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Mohania P.S. Case No. 134 of 2020 registered for the offence under Sections 341, 323, 325, 504, 307, 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act and subsequently Sections 25(1-b)a/26/35A of the Arms Act were added.

Learned counsel for the petitioners submits that the informant in his written report alleged that while his younger brother Satyendra Singh was going to his Dalan, the accused



persons entered into scuffle and co-accused Anil @ Mintu shot fire on him. The informant and his cousin went to intervene on which co-accused Brijeshwar @ Gullu fired shot on the hands of his cousin and Ramesh Singh, the petitioner no. 1 given lathi blow and fractured the hand of the informant and petitioner no. 2 also assaulted the informant by lathi.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The injury report of the informant shows that injury no. 1 is simple and injury no. 2 is grievous in nature. The petitioners are in custody since 10.05.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein there is no allegation of causing assault against these petitioners upon the deceased Satyendra Singh, the allegation against the petitioner no. 1 is that he had assaulted the informant by lathi causing fracture of his left hand and the allegation against the petitioner no. 2 is that he had assaulted the informant on his head but the injury report of the informant shows two injuries on the left side and the mid side of the forearm caused by hard blunt substance out of which injury no.



1 is said to be simple in nature and injury no. 2 is grievous in nature, the allegation against the petitioner no. 2 is not getting substantiated from the injury report, the petitioners have remained in jail since 10.05.2020, investigation against them is complete and there is no plea on behalf of the State that at this stage the release of the petitioners is in any way likely to result in tampering with the evidence or interfering with the course of trial, in the nature of the dispute and the materials available against these petitioners, let the petitioners above named be released 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, Kaimur, Bhabhua in connection with Mohania P.S. Case No. 134 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

Case diary has been returned. Let it be kept on the record.

(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'.

