

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37769 of 2020

Arising Out of PS. Case No.-383 Year-2019 Thana- RAJAON District- Banka

=====

Prince Singh @ Prince Kumar @ Prince Kumar Singh, aged about 29 years,
Male Son of Pramod Singh, Resident of Village - Panghari, Police Station -
Rajaun, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Senior Advocate with Dr. Manoj Kumar, Advocate
For the State	:	Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Rajendra Narain, learned senior counsel along with Dr. Manoj Kumar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Rajaun PS Case No. 383 of 2019 dated 11.09.2019, instituted under Sections 341, 323, 307, 504/34 and 337 of the Indian Penal Code.

4. The allegation against the petitioner is of assault on the nephew of the informant by firearms and brickbats.



5. Learned counsel for the petitioner submitted that the entire story in the FIR is false and concocted. It was submitted that no such incident took place and whatever injuries the informant side may have had is due to gang rivalry as the informant and his nephew have criminal antecedent. Learned counsel submitted that the injury on the informant, Satyam Kumar and Ankush Kumar, is simple in nature as has been found and noted in the injury reports, copies of which have been annexed as Annexure 2 series in the present petition, whereas no injury report is available with regard to Nepali Singh and Jhaksa. Learned counsel drew the attention of the Court to the order of the Court below in which only three paragraphs with regard to injuries have been mentioned which also indicates that only injury report relating to three persons is available on record and not of the other two persons. It was pointed out that for the same incident, Rajaun PS Case No. 386 of 2019 has also been filed by one Ramu Kumar in which the informant side is said to have been the aggressors. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner is alleged to have fired upon the informant and others. However, in view of the copies of the injury reports having been brought on record,



learned APP could not controvert that the same discloses only simple injury and not any injury caused by firearm.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Rajaun PS Case No. 383 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

