

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7179 of 2021

Arising Out of PS. Case No.-126 Year-2019 Thana- SISWAN District- Siwan

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KAMLSEH SINGH @ KAMLESH SON OF RAJDHARI SINGH R/O
VILLAGE- MAHANAGAR, P.S.- SISWAN, DISTRICT- SIWAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-08-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Siswan P.S. Case No. 126 of 2019 for the offences registered under Section 448, 341, 323, 354-A, 354-B, 379, 324, 326 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, this petitioner along with Munib Kumar Singh having tried to outrage the modesty of the sister-in-law of the informant and upon objection being raised by the informant, the petitioner is stated to have assaulted the informant by farsa on his

head, as a result of which he became seriously injured.

Learned counsel for the petitioner submits that admittedly both the parties are co-sharers and they are fighting over land dispute in Title Suit No. 637 of 2019. According to him this case is a counter blast to Siswan P.S. Case No. 125 of 2019. In the said case the petitioner side has allegedly assaulted against the prosecution side of this case.

Learned counsel submits that in the First Information Report of this case though there is an allegation that this petitioner had assaulted the informant on his head by a farsa and then on his neck by farsa but the injury report of the informant shows the injuries caused by hard and blunt objects.

Learned counsel submits that as per the informant the co-accused was laced with iron rod and had also assaulted the informant, therefore, it is his submission that the injury suffered by the informant have not been caused by farsa and it is a case of over implication of the accused.

Learned counsel further submits that co-accused Munib Kumar Singh against whom there was an allegation that he had assaulted informant by iron rod has been granted bail by learned court below whereas the co-accused Manoj has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 71586 of 2019.

Learned APP for the State has though opposed the prayer

for bail of the petitioner but considering the facts and circumstances of the case as discussed herein above particularly the injury report not corroborating the allegation of farsa blow and the co-accused having been granted bail, the petitioner is in custody since 14.10.2020, investigation against him is complete but the trial is not likely to take place in near future and he has otherwise no criminal antecedent, 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 C.J.M., Siwan in connection with Siswan P.S. Case No. 126 of 2019, 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'.