

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8057 of 2021

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

GUDDU SINGH Son of Surendra Singh Resident of Village - Odar, P.S.-
Bhabhua (Sonhan), District - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr, Advocate

Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard counsel for the petitioner, counsel for the
informant 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 Munsii 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. Petitioner is only member of unlawful assembly. Petitioner is in custody since 15.07.2020. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is named in the FIR and has got criminal antecedent and he played active role in the commission of offence.

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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