

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10708 of 2021**

Arising Out of PS. Case No.-30 Year-2020 Thana- SAMHO District- Begusarai

=====

DILIP SINGH S/O LATE MAHENDRA PRASAD SINGH Resident Of
Village - Samho, Sarlahi, P.S. - Samho, District - Begusarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 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 learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Samho P.S. Case No. 30 of 2020 registered for the

offences punishable under Section 307/34 of the Indian Penal Code

and Section 27 of the Arms Act. He is said to be in custody in

connection with the present case since 10.06.2020.

As per the prosecution story, this petitioner had fired upon

the informant by his rifle causing injury on his waist. There is a

counter case giving a different version of the story. In the counter

case it is alleged by the present petitioner that the prosecution party is

the aggressor.



Be that as it may, it is the submission of the learned counsel for the petitioner that the counter case was lodged prior in time though it has been registered as Samho P.S. Case No. 31 of 2020. It is submitted that in course of investigation police did not find sufficient material and submitted a final form stating that the case was based on mistake of facts. However, learned Magistrate has differed with the police report and now has taken cognizance. Pointing out to the injury report (Annexure-3) learned counsel submits that all the injuries have been found simple in nature. It is also submitted that in the case registered by the petitioner police has submitted a charge-sheet against the informant of this case and cognizance has already been taken. Summon has been issued against the informant of this case in the said case.

Learned counsel further submits that the petitioner is a retired B.S.F. Jawan, has got no criminal antecedent and has remained in jail for almost one year, he is also ready and willing to abide by terms and conditions which may be imposed upon him for purpose of bail. Lastly it has been submitted that informant of this case is a dreaded criminal and has got criminal antecedent as twelve cases are pending against him.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but has submitted that the petitioner has completed almost one year of custody and the injuries have been found simple in nature, therefore, this Court may take an appropriate



view of the matter.

Having regard to the facts and circumstances of the case, considering that in the initial investigation police has submitted a final form finding no sufficient ground to proceed against the petitioner, there is a case and counter-case, in the counter-case police has submitted a charge-sheet against the informant and cognizance has been taken in the said matter as also the petitioner has remained in jail in connection with the present case for almost one year approximately, he has otherwise no criminal antecedent and at this stage there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner 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 A.C.J.M.-IV, Begusarai in connection with Samho P.S. Case No. 30 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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/Rishi-

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'.

