

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2526 of 2022

Arising Out of PS. Case No.-339 Year-2020 Thana- BARH District- Patna

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JUGAL SINGH S/o Late Ram Janam Singh R/o village- Budhanpur, P.S.-
Barh, Distt.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh, Adv.

For the Opposite Party/s : Mr.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 15-06-2022 Informant has also appeared in this case and filed

counter affidavit, which is on record.

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barh P.S. Case No. 339 of 2020 lodged under Sections 341, 323,
307, 325 and 379 of the Indian Penal Code, 1860.

As per the allegation made in the F.I.R., there is
general allegation upon Dhiraj Singh, Niraj Singh and Jugal
Singh to assault the informant by rod and khanti with a view to
kill, as a result there is head injury and fracture in the left leg. In
the upper part of the F.I.R., the allegation is that Dhiraj Singh,
Niraj Singh, Manoranjan Kumar and Jugal Singh were armed as
lathi and rod.

Learned counsel for the petitioner submits that there is no specific act or overt act upon Jugal, rather a general and omnibous allegation were made and all three injury report is annexed as Annexure-2A which indicates that the head injury on the head of the informant which is grievous in nature caused due to hard and blunt object. Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and petitioner is in custody since 27.10.2021. He also submits that the present case has been filed in retaliation due to the reason that in a criminal case filed by the Jugal Singh, the informant side was convicted in Barh P.S. Case No.291 of 2012.

Learned A.P.P. for the State opposes the prayer for bail.

By virtue of filing the counter affidavit, the learned counsel for the informant emphasized that there is allegation of snatching of golden chain, head injury and lower leg fractured which is grievous in nature. Therefore, bail of the petitioner should be rejected.

Considering the facts and circumstances of the case that the charge sheet has already been submitted, petitioner is in custody since 27.10.2021 and also considering the fact that the Co-ordinate Bench of this Court has granted bail to one co-

accused having similar allegation namely, Niraj Singh vide order dated 12.07.2021 in Cr. Misc. No. 14415 of 2021, let the petitioner above named, be granted bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 339 of 2020, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

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