

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11257 of 2022

Arising Out of PS. Case No.-984 Year-2021 Thana- BANKA District- Banka

Shivdani Singh S/o Amrendra Kumar Singh @ Guddu Singh, R/o village-
Sadpur, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
504, 506, 385, 307 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, as per F.I.R. on
11.12.2021, the petitioner and others having country made
musket and pistol, came and assaulted the informant's brother
Shailesh Singh causing injury on his head. It is further alleged
that while the father of the informant, namely, Pramod Singh
came to save the informant, he too was assaulted by the
accused-petitioner. It is also alleged that when the informant and



his uncle came to rescue, the petitioner and others made firing from their pistols. It is further alleged that the aforesaid occurrence took place due to non-fulfillment of Rangdari demanded by co-accused Guddu Singh.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per F.I.R. allegation against the petitioner is that he has assaulted the Pramod Singh. He further submits that there is no specific allegation against the petitioner that he has assaulted the Shailesh Singh and there is no injury report available in the record of Promod Singh and there is only one injury with respect to Shailesh Singh. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Court below where the case is pending in connection with Banka P.S. Case No. 984 of 2021, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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