

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15057 of 2022**

Arising Out of PS. Case No.-195 Year-2018 Thana- MUFFASIL District- Aurangabad

AKHILESH SINGH SON OF LATE PARIKHA SINGH R/O VILLAGE-PAWAI, P.S.- AURANGABAD MUFFASIL, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Aurangabad Muffasil P.S. Case No. 195 of 2018 registered for the offences punishable under Sections 147, 148, 149, 323, 325, 326, 307, 385, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, dispute had taken place between the parties on account of demand of extra payment of Rs. 800/- by the petitioner and others and on the protest, FIR named accused persons including the petitioner brutally assaulted the informant and associates by means of lathi, knife



and khanti as a result of which informant and others sustained serious injury.

Learned counsel for the petitioner submits that petitioner is in custody since 17.01.2022 and bears no criminal antecedent. There is no specific allegation against the petitioner rather allegation of assault is general and omnibus in nature. There is case and counter case between the parties for the same occurrence in which both parties sustained injury. Petitioner is just a passerby. He is neither contractor nor owner of the Balu Ghat. His name has been roped in this case only on the basis of suspicion. He further submits that co-accused Sushil Singh, Deepak Singh, Pappu Singh, Tusi Singh and Sagar Singh have been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 12673 of 2022 in which there is specific allegation against Pappu Singh. Co-accused Dharmendra Singh and Uday Kumar have also been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 20761 of 2022 in which there is direct allegation against Dharmendra Singh. The present petitioner more or less stands on same footing.

The learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case



as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 195 of 2018, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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