

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28577 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- RAFIGANJ District- Aurangabad

Chandan Kumar @ Chandan Kumar Singh, S/O Ajay Singh, R/O Village-  
Garwa, P.S.-Rafiganj, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 26734 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- RAFIGANJ District- Aurangabad

Ajay Singh @ Ujay, Son of Late Jagdish Singh, Resident of Village -Garwa,  
P.S.- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 28577 of 2021)

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 26734 of 2021)

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**

ORAL ORDER

5      04-01-2022                      The applicants/accused in Crime No. 107 of 2020  
  
registered with Rafiganj Police Station for the offences  
  
punishable under Sections 147, 149, 448, 341, 323, 324, 504,  
  
307 and 354 of the Indian Penal Code at the instance of first  
  
informant Gautam Kumar Singh, by these applications are  
  
seeking their release on bail during the pendency of the trial.



Heard the learned counsel appearing for the applicants/accused. By drawing my attention to the statement of witnesses such as Haribansh Singh and Binay Singh, it is argued that the incident was that of free fight and not as alleged in the FIR lodged by Gautam Kumar Singh. It is further argued that there are no allegations of assault on injured Satyam Kumar @ Kali by applicant Chandan Kuamr @ Chandan Kumar Singh and allegations against applicant Ajay Singh @ Ujay are in respect of assault by means of stick.

The learned Additional Public Prosecutor opposed the applications by contending that injured Satyam Kumar @ Kali had suffered grievous injuries in the incident.

I have considered the submissions so advanced and also perused the case diary.

First informant Gautam Kumar Singh alleged that both applicants and the co-accused entered into his house and started assaulting and abusing his family members including his mother. It is further averred that when his younger brother Satyam Kumar @ Kali intervened, the applicant Ajay Kumar @ Ujay gave a blow of stick on his head whereas the applicant Chandan Kumar @ Chandan Kumar Singh gave blows of spear and sword on Satyam Kumar @ Kali. Witnesses



Haribansh Singh and Binay Singh are speaking about free fight between both the parties at some other place.

Investigation of the crime in question is over. The learned counsel for the applicants/accused has reported that Satyam Kumar @ Kali is perfectly alright and is discharged from the hospital long back.

In this view of the matter, no further pretrial detention of the applicants are warranted and hence, the order :-

i. The applications are allowed.

ii. The applicants/accused in Crime No. 107 of 2020 registered with Rafiganj Police Station for the offences punishable under Sections 147, 149, 448, 341, 323, 324, 504, 307 and 354 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.



(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

**(A. M. Badar, J)**

Bhardwaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

