

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24030 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Ratan Kumar Singh Son of Late Uma Shankar Singh Resident of Village and
P.S.- Tariyani Chapra, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ajay Kumar Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mithanpura P. S. Case No. 61 of 2021
registered for the offences punishable under Sections 341, 323,
307, 504 read with 34 of the Indian Penal Code and Section 52
of the Prisoners Act.

As per the prosecution case, it is alleged that while
the petitioner was in judicial custody in connection with



Ahiyapur 1439 of 2019, he along with co-accused Shantanu Kumar Singh assaulted one Raja Rai from wooden like substance.

Learned counsel appearing on behalf of the petitioner submitted that in fact, on account of some trifling issue a free fight has taken place and the injury has been caused because the co-prisoner had fallen on the wall. It is further submitted that even as per the F.I.R. there is allegation against two persons, who assaulted the co-prisoner but doctor has found only one injury, which is also found to be simple in nature. It is next submitted that this petitioner is in custody since 17.03.2021, though investigation of the crime is already completed and the charge sheet has been submitted. It is also submitted that one of the co-accused Shantanu Kumar Singh has already been granted bail by this Court in Cr. Misc. No. 14050 of 2022 vide order dated 11.07.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has criminal antecedent and he has been found involved in two other cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the two



persons, who have assaulted the injured, though only one injury has been found, which is simple in nature, apart from the fact the accused person having identical allegation has already been granted bail by this court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Muzaffarpur East in connection with Mithanpura P. S. Case No. 61 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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