

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25440 of 2022**

Arising Out of PS. Case No.-133 Year-2021 Thana- AAYAR District- Bhojpur

PREMCHAND SINGH Son of Ramtapshya Singh R/O Village - Kusumha,  
P.S.- Ayar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surj Bansh Roy, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      11-08-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is in judicial custody in connection  
with Ayar P.S. Case No. 133 of 2021 for the offences under  
Sections 147, 341, 323, 379, 307 and 504 of the Indian Penal  
Code and Section 25(1-b)a, 27 and 36 of the Arms Act.

As per the FIR, it has been alleged that when the  
informant was feeding cattle along with his brother, Dayanand  
Singh, the accused persons armed variously came there and  
started assaulting them. It is further alleged that this petitioner  
assaulted from the '*butt*' of the rifle on the head of the  
Dayanand Singh causing injury. Allegations have been made



against the other accused persons also.

Learned counsel for the petitioner submits that there is case and counter case and the present one being Ayar P.S. Case 133 of 2021 whereas the petitioner's side also lodged FIR vide Ayar P.S. Case No. 134 of 2021 under Sections 341, 323, 307, 379 and 504 of the Indian Penal Code and Section 27 of the Arms Act. He further submits that the allegation against the said Dayanand Singh is that of opening fire although no injury has been attributed to anyone. He further submits that for the said alleged act, he has already suffered by being in custody since 23.02.2022 (as stated in paragraph-16 of the bail application) and specific allegation has been made only to drag him in this case.

Considering the fact that there is case and counter case between the parties, charge sheet stands submitted and ultimately, the petitioner has to face the trial, is in custody since 23.02.2022, this Court is inclined to grant him the privilege of bail subject to condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ACJM-VII, Bhojpur at



Ara in connection with Ayar P.S. Case No. 133 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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

