

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37480 of 2021**

Arising Out of PS. Case No.-142 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Arun Singh @ Arun Kumar, Son of Late Sudeshwar Singh, Resident of
Village - Salempur, P.S.- Surajgarha, Distt.- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Heard learned counsel for the petitioner and Dr.
Kumar Uday Pratap, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Suryagarha P.S. Case No. 142 of 2020 registered for the offences punishable under Section 147, 148, 149, 341, 323, 448, 307, 504, 506 of the Indian Penal Code . He is in custody since 06.03.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

Learned counsel for the petitioner submits that the present case in which this petitioner has made an accused is a counter case lodged from the informant side after the wife of this petitioner had lodged the case with regard to the occurrence which had taken place on 10.07.2020 giving rise to Suryagarha (Manikpur) P.S. Case No. 140/2020 on 11.07.2020 under



various sections of the Indian Penal Code including under Section 307 and 354(B) and 380 of I.P.C. The informant Devendra Singh is an accused in the said case. Both the parties are close door neighbours and *gotias* and from the tenor of the F.I.R. itself, it would appear that they seem to have fought over their possession on a piece of land. The present F.I.R. has been lodged three days after the lodgment of the F.I.R. by the wife of the petitioner.

Learned counsel further submits that as per allegation co-accused Shivam Kumar had given a blow by an iron rod and perhaps that has caused grievous injury on the head of the informant, this petitioner is said to have given a lathi blow and the injury thereof is simple in nature. In any case the petitioner has already remained in custody for over ten months and investigation against the petitioner is complete. Some of the accused from both sides have been granted privilege of anticipatory bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering the aforesaid submissions made on behalf of the petitioner particularly that there is a case against the informant and this case has been lodged three days thereafter and further that the



petitioner has remained in custody for over ten months and investigation against him is complete, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Surajgarha (Manikpur) P.S. Case No. 142 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

