

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36107 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- BALIYA District- Begusarai

Surendra Singh, Son of Late Bhim Singh, Resident of village ratanpur
(rahatpur) P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Ballia P.S. Case No.38 of 2022 instituted under Sections
147, 148, 149, 341, 323, 352, 307, 504, 506 of the I.P.C. and 27
of Arms Act.

As per the prosecution story, the informant has
alleged that when he was coming from his home, six accused
persons including the petitioner herein surrounded and it is
alleged that on the order of the petitioner herein, accused Murari
Kumar and Rupesh Kumar opened fire causing injury. The
further allegation against accused persons is/are of assault. The
reason behind the same is of construction of latrine room by



the informant.

Learned counsel for the petitioner submits that bare perusal of the FIR would show that he is merely an order giver and omnibus allegation of assault has been made against him. He has further submitted with the help of para-11 of the bail application as also Annexure-2 attached to the same that the injuries have been found to be simple in nature. His last submission is that the petitioner is in custody since 06.04.2022 and do not carry any criminal antecedent.

Taking into account the aforesaid fact that the role of order giver has been attributed in the FIR, the injuries have been found to be simple in nature, he is in custody since 06.04.2022 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ballia P.S. Case No.38 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, 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)

Prakash Narayan /-

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