

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39630 of 2022

Arising Out of PS. Case No.-68 Year-2018 Thana- TARABARI District- Araria

PREM KUMAR SINGH @ PREM SINGH S/O Dukhi Singh R/O village-
Tegachhiya Ward No. 09, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Tarabari P.S. Case No. 68 of
2018 registered for the offences punishable under sections 147,
148, 149, 307, 324, 326, 341, 379, 504 and 506 of the Indian
Penal Code.

As per the allegation, on the alleged date and time of
the occurrence when the informant along with his brother
Mangal Singh (injured) was going to earn wages and they
reached near the house of one Rajesh Singh, petitioner along
with co-accused persons started abusing them. Allegation
against the petitioner is that he assaulted Mangal Singh with

sword on his finger.

The main submissions advanced by learned counsel Shri Md. Ziaul Quamar appearing for the petitioner are that, admittedly in between both the parties there was a land dispute at the time of alleged occurrence, as per the prosecution's story mentioned in the FIR the petitioner is alleged to have assaulted the informant's brother by means of sword but the FIR goes to show that on account of that act of this petitioner the said injured Mangal Singh sustained injury at non-vital part of his body and several persons are alleged to be involved in the alleged occurrence. Further submission is that in between both the parties there was no good relation at the time of occurrence and there was already a litigation running in between them and the petitioner has been languishing in jail since 06.05.2022 and having clean antecedent.

Shri Syed Ehteshamuddin, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the injury report of the injured person of the present case filed by the petitioner as Annexure-3. Petitioner is alleged to have assaulted the informant's brother by means of sword and there is no allegation of repetition of blow by the petitioner over

the said injured person. The FIR as well as the injury report of the injured person namely, Mangal Singh shows that on account of the alleged act of assault committed by this petitioner the said injured sustained only one injury at non-vital part of his body.

Considering these facts as well as petitioner’s clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Tarabari P.S. Case No. 68 of 2018.

(Shailendra Singh, J)

Hassan/maynaz/-

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