

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 40033 of 2022**

Arising Out of PS. Case No.-143 Year-2021 Thana- TARARI District- Bhojpur

1. Lal Bahadur Singh Son of Late Mahendra Singh Resident of Village - Sara, P.S.- Tarari, Distt.- Bhojpur.
2. Raju Ranjan Singh @ Rajeev Ranjan Singh Son of Lal Bahadur Singh Resident of Village - Sara, P.S.- Tarari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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

ORAL ORDER

2      10-10-2022      Heard learned counsel for the petitioners and learned counsel for the State.

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

The petitioners are in judicial custody in connection with Tarari P.S. Case No. 143 of 2021 for the offences under Sections 341, 323, 379, 307, 354, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant has alleged that the accused persons came to dispossess the him from his land. When he opposed them, they abused him and Satendra Singh and Harendra Singh fired at him and Suraj Singh



pressed his neck.

Learned counsel for the petitioners submit that specific allegation is against Satendra Singh and Harendra Singh opened fire on the informant. Further allegation against Suraj Singh is that he tried to press his neck and abused his mother and wife as also decamped with the gold chain and Rs. 10,000/-. So far as these petitioners are concerned, they have been shown to be part of the unlawful assembly. The further submission is that the informant and the accused persons are agnates and due to land dispute, the alleged occurrence took place for which they are in jail since 22.3.2022. The further submission is that the petitioners do not have criminal antecedent.

Per contra, learned APP opposes the bail submitting that there is allegation against them of making unlawful assembly with the common intention to commit crime.

Taking into account the fact that omnibus allegation is against the petitioners herein, specific allegation is against Satendra Singh and Harendra Singh of opening fire as also on Suraj Singh of pressing the neck of the informant and they are in custody since 22.3.2022, do not have criminal antecedents as stated in para-3 of the bail application, this Court is inclined to grant them the privilege of bail. If, however, it is found that they



do have criminal antecedents, the bail order shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Bhojpur at Ara, in connection with Tarari P.S. Case No. 143 of 2021 subject to the following conditions:-

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 the bail bonds;



(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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