

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49113 of 2021**

Arising Out of PS. Case No.-112 Year-2020 Thana- RAJPUR District- Rohtas

Binod Singh Son of - Late Bharat Singh Resident of Village -Amarpur, P.S. -
Rajpur, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Bharti, Advocate
Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
326, 307, 427, 504, 506 of the Indian Penal Code and Section 27
of Arms Act.

According to prosecution case, on the basis of fard-
beyan of Dharmendra Singh who has stated that on 27.07.2020,
the boys entered into altercation after playing cricket. The
informant was coming after resolving the matter then near



Panchayat Bhawan, 12 accused persons namely, Binod Singh, Munna Singh, Ramashish Singh, Shyamlal Singh, Mantu Singh, Madhu Singh, Dharmendra Singh, Arjun Singh, Dipak Singh, Gidik Singh, Shyam Raj Singh and Ramesh Singh with common intention and armed with Lathi and Danda and different type of weapons started assaulting him. After that the informant and other victims tried to fled away after leaving their motorcycle then Ramashish Singh clearly stated and instigated Binod Singh to fire gun shot. After that Binod Singh with intention to kill fired gun shot and by virtue of that gun shot, the informant received fire arm injury in his leg and his younger brother Krishna Singh also received gun shot injury in his thigh.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the present case is counter blast of the Rajpur P.S. Case No. 113 of 2020 filed by the brother of the petitioner against the informant and his family members. He further submits that it appears from the injury report that there is no intention to kill the person, in fact the injury is grievous in nature but not on the vital part. He further submits that after investigation police has submitted the charge sheet against the



petitioner. The petitioner is in custody since 09.05.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Rajpur P.S. Case No. 112 of 2020, G.R. No. 1025 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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