

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43764 of 2022**

Arising Out of PS. Case No.-762 Year-2021 Thana- GARKHA District- Saran

Bhagelu Singh @ Shakti Kumar S/o Mr. Nathuni Singh R/o village- Kasina,  
P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                        |
|----------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur, Sr. Advocate.<br>Mr. Vaishnavi Singh, Advocate. |
| For the State        | : | Mr. Rina Sinha, APP.                                                   |
| For the Informant/s  | : | Mr. Krishan Kumar Yadav, Advocate.                                     |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      25-11-2022      Video Conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned senior counsel for the petitioner and the learned APP for the State through virtual mode.

Petitioner seeks regular bail in connection with Garkha P.S. Case No. 762 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 380, 504/34 of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code.

As per the prosecution, the informant has alleged that he and his family members were assaulted by this petitioner and



other co-accused persons and the accused persons also snatched Rs. 50,000/- and demolished a wall of the informant's house.

The main submissions advanced by learned senior counsel Mr. Ajay Kumar Thakur for the petitioner are that the petitioner is a student and presently pursuing B.A. course and at the time of alleged occurrence he was not present at the alleged place and in the FIR there is no specific allegation against him and on the alleged date and time of occurrence the prosecution party firstly, protested the construction of a temple which was being made on a land donated by the petitioner's father and thereafter the persons belonging to prosecution party assaulted some persons from the petitioner's side and injury report of one of them has been filed as Annexure-4 and the document by which the land was donated, on which the temple was being constructed has been filed as Annexure-3 and in respect of that occurrence which took place on the said land the Garkha P.S. Case No. 763 of 2021 was lodged. It is further submitted that the FIR of the present case shows the alleged occurrence concerned to the present case has taken place on 10.09.2021 but the FIR was lodged on 11.11.2021 and perhaps the date of occurrence in the FIR was wrongly mentioned, in fact the occurrence mentioned in the FIR of Garkha P.S. Case No. 762



of 2021 relate to the incident of same date.

Learned APP Mr. Rina Sinha appearing for the State as well as learned counsel Mr. Krishan Kumar Yadav for the informant have vehemently opposed the bail prayer and submitted that the petitioner was a party of the accused persons and one person died of the injuries sustained by him on account of bricks' injury.

Heard both the sides and perused the FIR and Annexures submitted on behalf of the petitioner. The petitioner has been languishing in jail since 31.05.2022 and he is stated to be a student and presently pursuing B.A. and against him in the FIR there is no specific allegation and altogether several persons committed the alleged occurrence in which bricks were used in assaulting the persons of prosecution side and there is a plea of petitioner as to two occurrence, first, belonging to the present case and second, belonging to the petitioner's that side took place on the same day and time and the prosecution party itself committed *Mar-Pit* on the land upon which the temple was being constructed and in this regard the FIR was also lodged. Considering all these facts and mainly taking into account the petitioner's young age and also the fact that against him there is no specific allegation in the FIR and he bears a clean



antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Garkha P.S. Case No. 762 of 2021.

(Shailendra Singh, J)

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