

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.53240 of 2021**

Arising Out of PS. Case No.-139 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

BAGHA SINGH @ BAGHA YADAV SON OF LATE RAM AYODHYA  
SINGH, RESIDENT OF VILLAGE ASANI P.E. UDWANT NAGAR,  
DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Sarveshwar Tiwary, Advocate |
| For the Opposite Party/s | : | Mr.A.G                         |
| For the Informant        | : | Mr. Suraj Kumar, Advocate      |

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

2      05-04-2022                      Heard learned counsel for the petitioner, informant  
and learned APP for the State.

The petitioner is an accused in connection with  
Udwant Nagar P.S. Case No. 139 of 2021 registered under  
Sections 147, 149, 323, 307, 504, 506 and 320 of the Indian  
Penal Code lodged on 25<sup>th</sup> of March, 2021 by the informant  
Ukesh Kumar.

The informant in the First Information Report alleges  
that there was dispute between the parties since 23<sup>rd</sup> of March,  
2021 and on the fateful day, i.e 25.03.2021 in the evening  
accused persons including the petitioner herein came variously  
armed and it is further alleged that one Chunnu Kumar opened  
fire hitting the leg of his son. The accused persons later fled



away from the place of occurrence and the informant took his child to the hospital for his treatment.

Learned counsel for the petitioner submits that entire family members have been implicated. He further submits that although arms are attributed to have been carried by the petitioner herein, the allegation of firing has been attributed to one Chunnu Kumar which led to injury on the leg of his child. He submits that the petitioner is aged about 72 years, is a cancer patient and is in judicial custody since 8<sup>th</sup> of April, 202, as stated in paragraph-12 of the bail application. Learned counsel for the petitioner has submitted a hard copy of supplementary affidavit in which it has been stated that the petitioner has criminal antecedent being Udwant Nagar P.S. Case No. 331 of 2020.

Mr. Sarveshwar Tiwary, who is Advocate on Record of this case is cautioned that in future he should take complete instruction so far as the criminal antecedent is concerned to desist from filing such supplementary affidavit at the time of arguments. Let the supplementary affidavit be kept on record.

Learned counsel for the informant submits that all of them had assembled variously armed to kill the family member of the informant and in the process one of his son was also injured. He, however, accepts that the role of firing has been



attributed to Chunnu Kumar.

Considering the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur in connection with Udwant Nagar P.S. Case No. 139 of 2021, subject to the following conditions (in view of the fact that criminal antecedent has come in the supplementary affidavit) :-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

(ii) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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