

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43578 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- LAURIA District- West Champaran

Sunil Singh Son Of Late Shambhu Nath Singh R/O Village- Sitapur, P.S.-
Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Lauriya P.S. Case No. 286 of 2021 registered for the alleged offences under Sections 147, 149, 341, 323, 324, 307, 379, 447 and 504 of the Indian Penal Code.

As per prosecution case, the co-accused Anil Kumar Singh has been pressurizing one Abhay Pratap Singh for compromising a previously lodged case and when he refused to do so, the co-accused persons along with this petitioner, variously armed, came to the doors of Abhay Pratap Singh and started assaulting him and his wife and his daughter. When the informant tried to save them, he was assaulted by this petitioner with the axe on his head causing fracture of his head. Other family members of the informant were also assaulted by the petitioner and other co-



accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place in the background of land dispute. Five cases have been lodged by the informant side on the petitioner and other co-accused persons while from the petitioner side Lauriya P.S. Case No. 287 of 2021 was lodged under Sections 147, 149, 341, 324, 307, 354B, 379, 447 and 504 of the Indian Penal Code against the present informant and others. Learned counsel further submits that the injury report shows only one injury on the person of the informant which was caused by hard and blunt substance and the same was found to be simple in nature. It is alleged in the FIR that two persons gave axe blow on the head of the informant but only one injury was found and its is clear that the petitioner has not caused any injury to the informant as alleged and he has been made accused in this case to grab the land of the petitioner. There would be no application of Section 324, 307 and 379 of the Indian Penal Code is against the petitioner. The petitioner is in custody since 17.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the nature of injury on the informant which is not corroborated by the post mortem report as per version of the informant in the FIR and also considering his period of custody along with the submission of charge-sheet against this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 286 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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