

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53897 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- MAHARAJGANJ District- Siwan

Shambhu Singh S/O- Late Wakil Singh, Resident of Village- Sihauta, P.S.-
Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-04-2022 Heard counsel for the parties.

There is case and counter case relating to the incident being Maharajganj P.S. Case No.172 of 2020 by the informant of this case and Maharajganj P.S. Case No.173 of 2020 lodged by the petitioner herein.

The present case arises out of Maharajganj P.S. Case No.172 of 2020 under Sections 341, 323, 324, 307, 379, 337, 338, 504/ 34 of the Indian Penal Code lodged by the informant Anurag Kumar.

As per the prosecution case, both the father (petitioner herein) and son, Sonu Singh inflicted knife blow in his stomach and accused Sonu Kumar gave further blow which he saved by using his right hand. Later Sonu Kumar removed his gold chain worth Rs.25,000/- and the reason for this incident has been attributed to the land. Petitioner herein was verbally abusing



them which was resented as a result whereof the present case is instituted.

Learned counsel for the petitioner has annexed injury report to show that the doctor has opined the injury to be simple in nature. He has further brought on record a supplementary affidavit where it has been stated (with the help of order dated 17.09.2021 passed by the learned court below) that cognizance has been taken under Sections 341, 323, 324, 504/34 of the Indian Penal Code. He submits that a bare perusal of the order shows that Section 307 of the Indian Penal Code does not find place in the said order. He lastly submits that the petitioner is in jail since 14.07.2021 (as stated in para-17 of the bail application).

Taking into account the aforesaid facts, let the petitioner 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 learned A.C.J.M.,Vth, Siwan in connection with Maharajganj P.S. Case No.172 of 2020, subject to following conditions:

(i) the petitioner shall ensure his presence on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason he led to cancellation



of his bail bond by the Trial court itself;

(ii) the petitioner shall desist from committing criminal offence failing which the State shall be at liberty to take steps for cancellation of his bail bond.

The bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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