

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48567 of 2022**

Arising Out of PS. Case No.-216 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

DHARMENDRA SINGH S/o Daroga Singh R/o village- Kekadha, P.S.- Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Umeshanand Pandit

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

2 30-11-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove all defect(s), as pointed out by the Stamp Reporter, within two weeks. He further submits that bail application may be heard on merit subject to the said condition.

The petitioner seeks regular bail in connection with Mohania P.S. Case No. 216 of 2021, for the offence punishable under Sections 341, 323, 504, 506 and 307/34 of the Indian Penal Code.

The prosecution case, in brief, is that 14 persons named in the F.I.R. assaulted the husband of the informant. The specific allegation against the petitioner is that he along with others have assaulted the victim by means of lathi.

Learned counsel appearing on behalf of the petitioner



submits that there is general and omnibus allegation against the petitioner and the injury sustained by the husband of the informant is simple in nature. The occurrence took place due to land dispute and there is case and counter case between the parties. He further submits that, in fact, petitioner's side sustained more grievous injury in the said occurrence. The petitioner is in custody since 26.06.2022. The other co-accused namely Rabindra Singh has already been released today vide order passed in Criminal Miscellaneous No. 47980 of 2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, it appears that the petitioner is named in the F.I.R and allegation against him is general and omnibus of assaulting the husband of the informant by means of Lathi along with other 14 persons named in the F.I.R. The occurrence took place due to land dispute and there is case and counter case between the parties. There is no allegation against the petitioner regarding tampering the evidence or influencing the witness. The trial of the petitioner is not likely to be completed in near future and petitioner has remained in custody since 26.06.2022. Prima facie petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs.



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Kaimur at Bhabua in connection with Mohania P.S. Case No. 216 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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