

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59229 of 2021

Arising Out of PS. Case No.-7 Year-2015 Thana- MADHUBAN District- East Champaran

Raju Singh @ Raju Kumar Singh, S/o Radhakant Singh, Resident of Village -
Dubaha, P.S. - Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Advocate
	Mr. Karandeep Kumar, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 23-02-2022 The applicant is given out of turn hearing on account
of his ailment caused due to accidental injuries suffered by him.

Sufficient time was granted to the State to ascertain
this fact and the State has not disputed the same.

The applicant/accused in Crime No. 7 of 2015
registered with Madhuban Police Station for the offences
punishable under Sections 147, 148, 149, 323, 224, 225, 353,
332, 504, 120(B) and 307 of the Indian Penal Code, by this
application is seeking his release on bail during pendency of the
trial.

Heard the learned counsel appearing for the
applicant/accused. He argued that the applicant was present at
the usual place on his residence and he had not avoided his
arrest. He further argued that initially the applicant sought for



anticipatory bail which was rejected and subsequently he met with an accident with his mother in which his mother succumbed to the injuries. The learned counsel for the applicant further argued that no case for the offence punishable under Section 307 of the Indian Penal Code is made out from the record of investigation.

The learned Additional Public Prosecutor opposed the application by contending that the applicant is named in the FIR and the nature of offence alleged against the applicant is very serious and therefore the applicant is not entitled for bail.

I have considered the submissions so advanced and also perused the material placed before me.

The FIR is lodged by Police Officer Umesh Kumar Singh. It is averred in the FIR that on the direction of the Superior Officer he along with squad of police personnel had gone to the spot for taking custody of apprehended accused Santosh Singh. Said Santosh Singh was apprehended by Arun Singh and others. The FIR further mentioned that when the police party took accused Santosh Singh in custody, the present applicant along with other relatives of accused Santosh Singh assaulted police personnel and facilitated fleeing of



Santosh Singh who as in custody of the first informant.

Availability of the accused for trial is the prime consideration for grant of bail to him. In the case in hand, the offence is alleged to have occurred on 12.01.2015 whereas the applicant is apprehended on 16.08.2021. At the same time from perusal of the FIR it is seen that injured first informant who happens to be the Police Officer had suffered injuries which were simple in nature. Causing of wounds is not sine qua non for making out the offence punishable under Section 307 of the Indian Penal code but nature of the injuries reflects intention. The injured has suffered simple injuries. The investigation of the subject crime is over. Therefore by imposing stringent conditions on the applicant, liberty can be restored to him. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 7 of 2015 registered with Madhuban Police Station be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant should report the concerned Police Station on 2nd Sunday of each month in between 11 AM to 1 PM till disposal of the trial.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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