

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66116 of 2021**

Arising Out of PS. Case No.-389 Year-2021 Thana- SURSAND District- Sitamarhi

JATA SHANKAR SINGH @ JATA SHANKAR KUMAR SINGH Son of  
Made Narayan Singh @ Sodhnarayan Singh Resident of Village - Sursand,  
Ward No.12, P.S.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Mr. Vikramdeo Singh, Adv.<br>Mrs. Madhubala Verma, Adv. |
| For the State        | : | Mr. Nand Kishore Prasad, APP                            |
| For the Informant    | : | Mr. Sanjiv Kumar Pathak, APP                            |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      06-09-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Sursand P.S. Case No. 389 of 2021 registered for the offences  
punishable under Sections 341, 447, 323, 307, 504, 506 of the  
Indian Penal Code.

As per prosecution case, there is accusation against  
the petitioner to assault the informant upon the head by means  
of iron rod as a result of which informant sustained head injury.

Learned counsel for the petitioner submits that



petitioner is in custody since 25.08.2021. Petitioner bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no allegation of repetition of blow against the petitioner. He further submits that even if the allegation is assumed to be true, then also, there is no allegation of repeated blow against the petitioner and as such the offence under Section 307 of the IPC would hardly attract in the facts and circumstances of the case. There is case and counter case between the parties for the same date of occurrence and, therefore, free fight cannot be ignored. He further submits that moreover, petitioner himself lodged the FIR of counter case from SKMCH, Muzaffarpur on 19.08.2021.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge-sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence, there is no allegation of repetition of blow against the petitioner, as submitted and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Pupari, Sitamarhi in connection with Sursand P.S. Case No. 389 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

**(Alok Kumar Pandey, J)**

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