

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66264 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- DUMRA District- Sitamarhi

Sudhir Kumar Singh @ Sudhir Singh, S/O Ram Pravesh Singh, R/o village-
Ajamgarh, P.S.- Dumra, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar, Advocate
		Ms. Divya Bharti, Advocate
For the Opposite Party	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Dumra P.S. Case No. 128 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 379, 506, 447 of the Indian Penal Code. He is in custody since 14.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 06.04.2021 while he was in his house and near his house there is a government ditch (Dabra) in which the water of his house was going on and for this reason all the



accused persons came at his house and asked him that why you are flowing water in the said ditch and abused him. The informant further alleged that on protest all the accused persons abused him and with an intention to kill him they attacked by Dabiya on him as a result of which he sustained injuries on his head. When his wife came to rescue him she was also assaulted. Thereafter all the accused persons fled away from there and the injured persons were taken to hospital for treatment.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that both the parties have entered into a scuffle on a dispute over flowing of drainage water from the house of the informant.

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

Having regard to the submission that in this case both the parties have entered into a scuffle on a dispute over flowing of drainage water from the house of the informant, though the allegation against the petitioner is that he had assaulted the informant with a Dabiya as a result whereof the informant sustained head injury, the submission is that this is a counter case lodged after the case bearing Dumra P.S. Case No.



124/2021 was lodged by the brother of this petitioner, there is no repetition of blow and the single injury attributed to the petitioner for which the petitioner has remained in custody since 14.09.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No. 128 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

