

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55745 of 2022

Arising Out of PS. Case No.-314 Year-2020 Thana- ATHMALGOLA District- Patna

Nityanand Singh, Son of Late Ramadhar Singh, Resident of Village -
Ramnagar Diyara, P.S.- Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is suffering from heart ailments and his condition is deteriorating day by day in jail. So, this case may be heard out of turn.

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

In the present case, the petitioner seeks bail in connection with Athmalgola P.S. Case No. 314 of 2020, registered for the alleged offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and his son assaulted the informant with iron rod causing injury upon his head and right hand. The occurrence took place in the



background of son of the informant making inappropriate calls to the mobile number of the informant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to previous grudge by the informant. The son of the petitioner was having love affair with the niece of the informant and the informant got an opportunity to falsely implicate them in the present case when he fell down from the motorcycle and received injuries. The learned counsel further submits that injury report shows nature of injury is suggestive of its grievous nature. The learned counsel further submits that the petitioner is in custody since 22.07.2022 and the charge sheet has been submitted.

Learned A.P.P. though opposes the prayer for bail submitting that the witnesses have supported the prosecution case during investigation and the injury report also shows the grievous injury on the vital part of the body.

Having regard to the facts and circumstances and submissions made hereinabove and considering the allegation which shows it is general against the petitioner and his co-accused son and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, Patna, in connection with Athmalgola P.S. Case No. 314 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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