

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67118 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- HALSI District- Lakhisarai

PRAMOD SINGH Son of Late Ram Avtar Singh Resident of Village-
Mahsoni, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Kumar, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present case has been taken out of turn based on the mentioning made by the learned counsel for the petitioner on the ground that the daughter of the petitioner, namely, Shreya Suman is getting married to Shanku Suman on 09.05.2022.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.09.2021, charge-sheet has been submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the



informant alleges that the petitioner along with named accused persons came to his house and surrounded him while he was collecting fodder and on orders of the petitioner who was carrying a *khanti*, Pankaj and Deepka assaulted the informant with iron rod and sword on head causing injury and when Sitaram and Saket came to save the informant, then Manishankar fired and threatened while Navin assaulted Sitaram with *lathi*.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner is not alleged to have assaulted but is in the category of an order giver. It is further submitted that it absolutely does not stand to reason that if a person or an accused has to assault, he will wait for orders, it is thus submitted that the petitioner has been implicated merely because there is a land dispute between the parties as stated in paragraph '9' of the bail application without any overt act being alleged against him.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.09.2021, charge-sheet has been submitted in the case and there is no specific allegation of assault against the



petitioner, let the petitioner above named be **released on provisional bail** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Halsi P.S. Case No. 68 of 2020.

The learned court below shall seek a report from the Superintendent of Police, Lakhisarai that as to whether the daughter of the petitioner is getting married or not on 09.05.2022 and in the event, if the report records that the Court was misled for the purposes of bail by making a false statement in the supplementary affidavit, then the learned court below shall forthwith cancel the provisional bail bonds of the petitioner and take all coercive steps to ensure that the petitioner is put behind the bars and in the event, if the report records that the daughter of the petitioner is getting married on 09.05.2022, then the learned court below shall forthwith confirm the provisional bail bonds granted to the petitioner.

(Satyavrat Verma, J)

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