

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69835 of 2021

Arising Out of PS. Case No.-636 Year-2021 Thana- SUPAUL District- Supaul

Abhinav Anand @ Manohar Singh, Son of Sri Nivash Singh, Resident of
Village- Bishanpur Ward No.06, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
		Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Supaul P.S. Case No. 636 of 2021 registered for the offences under Sections 341, 342, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 05.09.2021, at about 4.00 P.M., while the informant was fishing in the pond, in the meantime, F.I.R. named accused persons including the petitioner along with two unknown persons came



there on a black car and called him. It is further alleged that when the informant called his uncle as Pawan Boss, upon which the accused persons including the petitioner protested and said that he is only boss of the village and thereupon started assaulting the informant by means of plastic rod. It is also alleged that this petitioner also opened fire upon Pawan Mukhiya, but he saved himself any how.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. itself it is evident that the only allegation against this petitioner that he assaulted the informant by means of plastic rod and so far the allegation of open firing is concerned, admittedly the same did not hit to anyone. It is next submitted that during the course of investigation, the informant has produced an injury report, duly prepared by a private doctor, however the injuries have been found to be simple in nature. It is next submitted that the petitioner is in custody since 06.09.2021, though after conclusion of the investigation, charge-sheet has been submitted much earlier. It is lastly submitted that even from the allegation made in the F.I.R. no case is made out under Section 307 of the Indian Penal Code.

Learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other



criminal cases. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation as well as the injuries sustained to the informant, which is found to be simple in nature, apart from the fact that the petitioner is in custody since 06.09.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 636 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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