

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20969 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- BARAULI District- Gopalganj

Subham Singh, Son of Rajeshwar Singh, R/O Village- Barauli, Ward No.10,
P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Barauli P.S. Case No. 392 of 2022, registered for the alleged offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, while the informant was going to purchase medicine, a group of youths, who were armed with iron rod, hockey stick and sharp weapon, assaulted him. Further allegation is that the co-accused Krishna Patel hit on the head of the informant with iron rod, whereas the petitioner gave a *farsa* blow on his head. The other co-accused persons assaulted the informant with *danda*. While leaving him, they snatched his golden chain, ring and cash of Rs. 1200/- as well as



Pan Card, ATM Card etc.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was accused in Barauli P.S. Case No. 214 of 2021 and he was acquitted in that case and in retaliation thereof, the present case has been lodged. The petitioner is a college going student and aged about 20 years. The learned counsel further submits that the injury report does not show any sharp cut injury. It only shows the lacerated wound 1.5" x 0.5" x 0.5" in dimension and the allegation is against co-accused Krishna Patel for hitting on the head of the informant with iron rod. The learned counsel further submits that due to communication gap between the petitioner and the *Pairvikar*, the true fact about criminal antecedent of the petitioner could not be mentioned before the learned court below. The petitioner is in custody since 29.01.2023 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal antecedent of one case.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the doubt over author of the injury on the head of the informant and further



considering the nature and dimension of the injury and period of custody as well as submission of charge sheet, the petitioner 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 Judicial Magistrate-1st Class, Gopalganj, in connection with Barauli P.S. Case No. 392 of 2022, 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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