

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21534 of 2022

Arising Out of PS. Case No.-297 Year-2020 Thana- GARKHA District- Saran

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PRADEEP KUMAR SINGH @ BABLOO SINGH SON OF BYAS SINGH
R/OF VILLAGE- SRIPAL BASANT P.S.- GARKHA DIST- SARAN AT
CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Garkha P.S. Case No. 297 of 2020 registered for the offences

punishable under Sections 341, 323, 447, 307, 379, 504, 506, 34

of the Indian Penal Code.

As per prosecution case, there is allegation against

the petitioner that he is alleged to have assaulted the informant

by means of iron rod as a result of which victim sustained injury

near right eye. It is further alleged that the petitioner also

assaulted upon the head of Hare Krishna Singh by means of iron



rod.

Learned counsel for the petitioner submits that petitioner is in custody since 04.03.2022. Petitioner bears one criminal antecedent which is lodged by the same party in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner's mother has lodged Garkha P.S. Case No. 280 of 2020 on the same date of occurrence and the present case is nothing but a counter blast of the same. Petitioner and informant belong to same family and they are Pattidar and both sides have sustained injury on the said occurrence and in that context free fight cannot be ignored. The ingredient of Section 307 is not made out in the light of the fact that on the same date of occurrence both parties are fighting freely and no intention can be imputed on either side and in the case of free fighting facts are generally exaggerated. Learned counsel specifically mentioned in para 14 of the bail petition that co-accused Sujit Kumar Singh has already been granted anticipatory bail vide Cr. Misc. No. 36824 of 2021 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State and learned counsel



for the informant vehemently opposes the prayer for bail of the petitioner that the victim sustained injury on the vital part of the body.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted anticipatory bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Saran at Chapra in connection with Garkha P.S. Case No. 297 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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