

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25522 of 2023

Arising Out of PS. Case No.-180 Year-2021 Thana- SHAHKUND District- Bhagalpur

Kailash Singh @ Kailu Singh, S/o Late Ram Narayan Singh, R/o Village-
Sahajadpur, P.S- Shahkund, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 At the outset, it is submitted by learned counsel for the petitioner that due to inadvertence, in Para Nos. 1 and 5, in place of section 307, section 306 has wrongly been typed. He seeks permission to correct the same during the course of the day.

2. Permission is allowed.

3. Learned counsel for the petitioner is permitted to correct the same during course of the day.

4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

5. The accused/petitioner seeks bail in connection with Shahkund P.S. Case No.180 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504 and 506 read with 34 of the Indian Penal Code.



6. The accused/petitioner is named in the FIR and is in custody since 22.04.2022.

7. Allegation against the petitioner is to assault the informant and others by means of sword along with other co-accused persons causing bodily injuries, having intention to cause their death, where occurrence arises out of long standing land dispute.

8. It is submitted by learned counsel that allegation against the petitioner is limited to give only order, whereas specific allegation to give blow with sword is available against co-accused Balram Singh. It is further submitted that petitioner is the full brother of informant and out of land dispute, he was falsely implicated with present case. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Learned APP opposes the prayer for grant of bail to the petitioner.

10. In view of above-mentioned facts and circumstances, as allegation against this petitioner is limited to



give order, whereas allegation of assault with sword is available with co-accused Balram Singh, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.04.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Bhagalpur in connection with Shahkund P.S. Case No.180 of 2021, corresponding to G.R. No.2616 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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