

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37219 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- JAGDISHPUR District- Bhojpur

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AJAY SINGH @ AJAY KUMAR S/O SHRI RAM SINGH R/O Vill. Near
Pokhar (Bichala Tola), PS. Jagdishpur, Dist. Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody in connection with Jagdishpur P.S. Case No. 34 of 2023 for the offence under Sections 147, 149, 341, 323, 307, 302, 504 and 34 of the Indian Penal Code and 27 of Arms Act lodged on 25.01.2023 by the informant, Raju Singh.

The prosecution case, in brief, is that on 25.01.2023 at around 8.30 a.m. the informant was at his home along with his family members when the accused Dhodha Singh, Ganga Sagar Singh, Sri Ram Singh, Ajay Singh, Abhay Kumar Singh, Vikky Kumar came there and abused the informant and assaulted him. It has been alleged that the accused Dhodha Singh instigated and accused Ajay Singh assaulted the informant with 'lathi' on his head. It has been further alleged that accused



Abhay Kumar Singh fired two shots and grandfather of the informant was assaulted on his head resulting in head injury. Thereafter, the accused who fired fled away and the injured was taken to Ara Hospital for treatment and the aforesaid grandfather of the informant died. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that there is a case and counter case in the matter. The allegation against the petitioner is of assaulting Raju Singh on the head but there is no corresponding injury of Raju Singh to support the allegation. So far as the assault on deceased, Ganga Vishun Singh is concerned, there is omnibus allegation of assault and opening of fire is on Abhay Kumar Singh. It is his further submission that he has already remained in custody since 26.01.2023 (as stated in para 11 of the petition), is a farmer and do not have criminal antecedent.

Learned APP opposes the prayer stating that allegation against the petitioner is of assaulting the informant on the head.

Taking into account the aforesaid facts as also that so far as allegation of assault on the deceased, Ganga Bishun Singh is concerned, the same is omnibus in nature and regarding informant, the injury report is not forthcoming, he has remained



in custody since 26.01.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M, 1st, Bhojpur, Ara, in connection with Jagdishpur P.S. Case No. 34 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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