

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40570 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- MAHINDWARA District- Sitamarhi

RAJU SING Son of Mahendra Singh Resident of village-Kundal, P.S.-
Mahindwara, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar, Sr. Adv. Mr. Neeraj Kumar Alias Sanidh, Adv. Mr. Ravi Shankar Pathak, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2023 Heard Mr. Vindhya Keshari Kumar, learned senior
counsel for the petitioner and learned A.P.P. for the State as
well as learned counsel for the informant.

Learned counsel for the petitioner is permitted to
make necessary correction in the array of the parties during
course of the day.

The petitioner seeks bail in connection with
Mahindwara P.S. Case No. 126 of 2022 registered for the
offence under Sections 341, 323, 324, 307, 379, 504 and 506
of the Indian Penal Code.

The petitioner is alleged to have inflicted several
farsa blow on the head of the informant due to which she



sustained injuries. It is further alleged that the petitioner snatched away her gold chain from her neck along with Mangal Sutra worth Rs. 1,10,000/-.

Learned senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 04.08.2022 whereas the instant F.I.R. has been lodged on 13.08.2022 after delay of 9 days without any explanation. He further submits that according to the F.I.R., the petitioner has assaulted the informant by means of farsa repeatedly on her head and other parts of the body but the injury report suggest the informant has sustained only one injury caused by a hard and blunt substance and no sharp cutting injury was found on the person of the injured. He further submits that contradiction between the allegation of repeated assault and the injury is apparent on the face of the record. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.04.2023.



Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of assault that he has assaulted the informant by means of farsa and thereupon the informant has sustained injury on her head which has been opined to be grievous in nature.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 126 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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