

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45947 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- BARUN District- Aurangabad

1. BALI SINGH @ RAM BALI SINGH Son of Late Jagroop Singh Resident of Village - Bgaahi, P.S.- Barun, District - Aurangabad.
2. Dilip Singh @ Dilip Kumar Singh Son of Babu Nandan Singh Resident of Village - Bgaahi, P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Barun P.S. Case No. 244 of 2022 registered for the offences punishable under Sections 307, 354, 379, 411, 341, 323, 337, 338, 427, 147, 148, 149 of the Indian Penal Code.

As per prosecution case, petitioners and others came with lathi, danda and started pelting bricks and stone upon the police party. Petitioner no. 2 namely Dilip Singh threw a stone due to which one of the police members Hridayanand



Singh sustained injury on his head and blood started oozing out.

It is alleged that petitioner no. 1 is apprehended on the spot and petitioner no. 2 fled away from the spot.

Learned counsel for the petitioners submits that petitioner no. 1 bears no criminal antecedent and petitioner no. 2 bears criminal antecedent of one case in which he is on bail. Learned counsel for the petitioners further submits that petitioners are quite innocent and have been falsely implicated in the present case. From the perusal of FIR, it appears that petitioner no. 1 himself is a victim as he was hit on his head by the stone which was thrown by Saheb Singh and there is only allegation against petitioner no. 2 that he threw stone which hit on the head of Hridayanand Singh and as per the injury report, the nature of injury is found simple in nature. Learned counsel for the petitioner further submits that villagers were stopping the seized tractor and throwing stones but the police party did not restore lathi charge or even calling other police personnel from the Barun Police Station or the other adjoining police station. Petitioners were quite innocent and have committed no offence as alleged against him in the FIR. He further submits that entire version of FIR has been given with a view to save the image of the police personnel and further to explain the injury of villager.



Learned counsel for the petitioners submits that there is no direct allegation of throwing stone against petitioner no. 1. Petitioners are in custody since 15.06.2022. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners as there is allegation of throwing stone against petitioner no. 2 which hit upon the head of Hridayanand Singh.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 244 of 2022, 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) Petitioners 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 petitioners tamper 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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