

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50483 of 2023

Arising Out of PS. Case No.-203 Year-2012 Thana- SURYAGARHA District- Lakhisarai

Baleshwar Singh @ Balo Singh Son Of Late Vishundeo Singh Resident Of
Village- Jagdishpur, Ps- Surjgarha, Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Surjgarha P.S. Case No. 203 of 2012, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case as emerging from the FIR is that when the informant was cutting in his field, ten unknown persons came there and started abusing him. It is further alleged when the informant made protest, they fired upon his forehead due to which blood started oozing.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that charge-sheet was submitted in the



present case. However, the petitioner was not sent up by the Police and at the time of cognizance, his name has been added as accused by Ld. Magistrate. He further submits that there is no injury in the alleged offence and there is no material against the petitioner. Hence, no charge-sheet was submitted against the petitioner.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-II, Lakhisarai, in connection with Surjgarha P.S. Case No. 203 of 2012, subject to the conditions



as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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