

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51572 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- RIGA District- Sitamarhi

Chandan Kumar Singh Son Of Ramsagar Singh Resident Of Village-
Kharsan, Ps- Riga, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar, Advocate Mr. Jagjit Roshan, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP
For the Informant :	Mr. Surendra Kishore Thakur, Advocate Mr. Subodh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
21.03.2023 in connection with Riga P.S. Case No. 76 of 2023,
F.I.R. dated 23.02.2023 for the offences punishable under
Sections 341, 323, 324, 307/34 of the Indian Penal Code but the
police after investigation submitted charge sheet under Section
341, 323, 324, 307, 302, 34 of the Indian Penal Code.



4. According to prosecution case, this petitioner along with other accused persons have brutally assaulted the father and other family members of the informant due to some land dispute and thereafter, they entered into the house of the informant and took away Rs. 1 lac, gold chain and other items from the house and threatened to commit murder.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and due to admitted land dispute, the present occurrence took place. He further submits that there is case and counter case between the parties. He further submits that from perusal of the F.I.R it appears that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ramsagar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 45930 of 2023. The petitioner is in custody since 21.03.2023.

6. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the mother of the informant was recorded on 27.02.2023 in which she has categorically stated that the petitioner has assaulted the father of the informant who is husband of the witness, namely, Anjala Devi by means of iron rod.

7. Learned counsel for the petitioner submits that the date of the occurrence is 22.02.2023 and after 5 days of the occurrence, the re-statement of the mother of the informant was recorded in which she has stated that the petitioner has assaulted the father of the informant by means of iron rod. He further submits that the statement of the mother of the informant is an afterthought and she has not stated anything in her statement which was previously recorded.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 76 of 2023, subject to the following conditions:-

- i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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