

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53300 of 2023

Arising Out of PS. Case No.-549 Year-2022 Thana- BAHERA District- Darbhanga

Jata Shankar Singh, Son of Late Ram Avtar Singh, R/O Vill- Nanda Patti, PS
Bahera, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh, Advocate
		Md. Gulam Mustafa, Advocate
For the Opposite Party/s :		Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bahera P.S. Case No. 549 of 2022 instituted under Sections 341, 323, 307, 379 and 354-B/34 of the Indian Penal Code lodged on 03.11.2022 by the informant Lalit Kumar Singh.

As per the prosecution story, the proceeding under Section 144 of the Cr.P.C was going on relating to illegal construction and upon opposition by the informant, on the order of Arshad Ali, Jata Shankar Singh (petitioner) assaulted on the head of the informant by 'khanti'. He further gave second blow which hit his hand, other accused persons also assaulted the family members of the informant and outraged the modesty of the women and took away ornaments and cash. Accordingly, the



FIR.

It is the case of the petitioner that there is case and counter case. Though the allegation has been made against the petitioner of having given, khanti blow but the injury has been found to be simple in nature which has been annexed as Annexure 4 of the petition. Further submission is that the other accused persons have been granted Anticipatory Bail vide order dated 21.07.2023 passed in Criminal Misc. No. 32465 of 2023 and the last submission is that the petitioner is in custody since 05.06.2023 (para 11 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the genuineness, the perusal of the medical report in which the injury has been found to be simple in nature and the petitioner is in custody since 05.06.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bahera P.S. Case No. 549 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate I, Benipur, subject to following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his 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 next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

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