

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53829 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- UDAKISHUNGANJ District- Madhepura

CHANCHAL KUMAR SINGH @ DHABBU S/O FUCHAN SINGH R/O
VILLAGE- SHAHJADPUR, PS. UDAKISHUNGANJ, DIST.
MADHEPURA

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Prakash, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard Mr. Manish Prakash, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner is an accused in connection with
Udakishunganj P.S. Case No. 83 of 2023 registered for the
offences under sections 341, 323, 307, 326, 504, 506 and 34 of
the Indian Penal Code lodged on 23.03.2023 by the informant,
Nirbhay Kumar Singh.

As per the prosecution story, the allegation is that the
petitioner and other accused persons were drunk sitting in a
garden and when the informant went there demanding Rs.
2,500/- from this petitioner, they assaulted him as also tried to



kill him by setting him on fire. The timely arrival of his sons could save him, was taken to the Primary Health Centre, Udakishunganj and then referred to Madhepura Medical College and Hospital. This followed the FIR.

It is the case of the petitioner that omnibus allegation has been made against all the accused persons of assaulting and further to make the story graver, it has been alleged that they wanted to put him on fire. The further submission is that there is delay in lodging of the FIR of six days which has not been explained, has remained in custody since 18.04.2023 (as stated in paragraph 18 of the bail application), do not have criminal antecedent and further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the



learned Counsel for the petitioner, omnibus allegation of assault is there, the petitioner has remained in custody since 18.04.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to the payment of Rs. 15,000/- as undertaken by the learned Counsel for the petitioner

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. I, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 83 of 2023, subject to the 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 his 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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