

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54645 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

SUDARSHAN SINGH Son of Mangu Singh Resident of Village - Anantpur,
P.s.- Mohaniya, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mohaniya P.S. Case No. 270 of 2022 registered for the offences punishable under Sections 447, 341, 323, 354, 307, 504, 379, 34 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, petitioner and others are alleged to have assaulted informant's brother-in-law (bhaisur) Satyendra Kumar and informant's sister-in-law (gotni) Dharmsheela Devi as a result of which they sustained injury.

Learned counsel for the petitioner submits that allegations are general and omnibus in nature. There is no specific allegation levelled against the petitioner. He further submits that the injured Satyendra Kumar and Dharmsheela



Devi sustained simple injury caused by hard and blunt substance except injury no. 1 of injured Satyendra Kumar as the opinion regarding the said injury was kept reserved. From the perusal of FIR itself, there is a land dispute between the parties and both petitioner and informant are agnates to each other. Petitioner is quite innocent and has committed no offence as alleged against him FIR and he has falsely been implicated in the present case due to land dispute. No fire weapon has been found from the physical possession of petitioner during the investigation. Learned counsel for the petitioner submits that petitioner is in custody since 15.07.2022 and bears no criminal antecedent. 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 petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 petitioner above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Mohania, Kaimur at Bhabua in connection with Mohniya P.S. Case No. 270 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) Petitioner 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 petitioner tampers 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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