

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58808 of 2023**

Arising Out of PS. Case No.-46 Year-2019 Thana- BHEJA District- Madhubani

VAIRAGI SINGH @ VAIRAGI son of Ramchandra Singh Village-
Bhawanipur Ps- Bheja Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 05-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bheja P.S. Case No. 46 of 2019 for the offence punishable under Sections 143, 341, 323, 307, 448, 354(A), 504, 506 and 34 of the Indian Penal Code lodged on 26.3.2019 by the informant, Pradeep Kumar Singh.

3. As per the prosecution story, the informant has alleged that the named accused persons entered the house of his uncle and started assault. In the process, so far as this petitioner is concerned, the allegation is that he assaulted the informant by 'Farsa'. Accordingly, the FIR.

4. It is the case of the petitioner that though the allegation of assault by 'Farsa' is there, the injury report



shows that the injury sustained by the informant is simple in nature which has been annexed with the petition (Annexure-3).

5. Further submission is that he do not have criminal antecedent and is in custody since 19.4.2023 (para-15 of the petition).

6. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

7. Learned APP opposes the prayer stating that the allegation of assault by 'Farsa' is on the petitioner.

8. Taking into account the submission put forward by the learned counsel for the petitioner, the injury sustained by the informant is simple in nature, the petitioner has remained in custody since 19.4.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioners to be



paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-II, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No. 46 of 2019 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 his 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 his bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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