

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64732 of 2023

Arising Out of PS. Case No.-156 Year-2020 Thana- BIHIA District- Bhojpur

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BABAN SINGH, Son Of Late Dudhnath Singh Resident Of Village- Pakdi
(Pakri), Ps- Bihiyan (Gajrajgang Op), Distt- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shivam Kumar, Advocate
		Mr. Deepak Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 18-10-2023 1. Heard learned counsel for the petitioner and learned APP for the State of Bihar.
2. The petitioner is apprehending his arrest in connection with Bihiyan (Gajrajgang O.P.) P.S. Case No. 156 of 2020 registered for offence punishable under Sections 147, 148, 149, 504, 427, 506, 323, 307 and 379 of Indian Penal Code and Section 27 of the Arms Act.
3. As per prosecution case, the present petitioner and other co-accused persons have stopped the informant from her house construction and have damaged the same. There is also allegation of indiscriminate assault by various means including firing.
4. It is submitted by learned counsel for the petitioner



that the petitioner and the informant are at loggerheads in a property dispute leading to false implication of the petitioner in the present case. The submission is that the allegation of assault is belied by the injury report wherein there is only mention of body ache. A rifle has been recovered from co-accused *Satyendra Singh* which is found in the investigation to have been used in the alleged occurrence. The petitioner has been made an accused on extraneous considerations and has no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations, material in the investigation as recorded in the order of the learned Sessions Judge, Bhojpur Ara, and clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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



A.C.J.M. V, Ara, in connection with Bihiyan (Gajrajgang O.P.)
P.S. Case No. 156 of 2020, subject to the conditions as laid
down in Section 438(2) of the Code of Criminal Procedure as
also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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