

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61774 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- BARUN District- Aurangabad

SAHEB SINGH @ RAVIKANT Son of Bali Singh @ Rambali Singh
Resident of Village- Bagaahi, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 149, 341, 323, 307, 353, 337,
338, 427, 379, 411 of IPC.

As per prosecution case, petitioner and others
came with lathi, danda and started pelting bricks and stone upon
the police party. Co-accused Dilip Singh threw a
stone due to which one of the police members Hridayanand
Singh sustained injury on his head and blood started ozzing out.
It is alleged that co-accused Bali Singh @ Ram Bali Singh is
apprehended on the spot and co-accused Dilip Singh @ Dilip
Kumar Singh fled away from the spot.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR that here is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is owner of the Tractor in question and in the present occurrence both sides became sustained injury which is apparent from the injury report at Annexure-2 to the supplementary affidavit. Further submits that the allegation against the petitioner is that he assaulted to the informant by piece of stones and theft of illegal sand by his Tractor. Further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence took place. Further submits that the similarly situated co-accused persons, namely, Bali Singh @ Ram Bali Singh and another have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 19.01.2023 passed in Cr. Misc. No. 45947 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.09.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 learned court below where the case is pending in connection with Barun P.S. Case No. 244 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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