

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71048 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- TETERHAT District- Lakhisarai

Raushan Kumar Singh @ Raushan Singh, S/O Late Umesh Singh, R/O
Village- Sharma, P.S- Tetarhat, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, APP Mr. Vaishnavi Singh, Advocate Mr. Ritik Thakur, Advocate
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tetarhat P.S. Case No.100/2022, lodged on 14.10.2022 under
Sections 307, 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per the prosecution, the FIR has been lodged
against 4 named and 4-5 unknown accused persons, including
the petitioner, alleging therein that the accused persons attacked
the informant's house and assaulted the informant. When the
mother of the informant came to rescue, Dhupendra Gupta fired
towards the informant's mother causing bullet injury on her
temporal region due to which she succumbed to the injuries
whereas Raushan Gupta alleged to have fired on the informant



causing bullet injury on his left arm.

4. Learned counsel for the petitioner submits that during the investigation, the chargesheet has been filed by the police against the informant himself but the Court has taken cognizance against both the informant and the accused persons named in the FIR. Learned counsel further submits that the informant prior to lodging of FIR has filed an Informatory Petition before the CJM in which he has categorically stated that there is apprehension at the hand of the accused person that they forcefully want to take the land of the petitioner for business purpose. The petitioner is in custody since 02.05.2023 having a clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that the case diary is necessary in this case.

6. Considering the fact that the petitioner has filed an Informatory Petition prior to lodging the present FIR and particularly, the trial Court differing with the chargesheet has taken cognizance against the accused persons of the FIR against whom the final form has been submitted, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Lakhisarai, in connection with Tetarhat P.S. Case No.100/2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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