

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69861 of 2023**

Arising Out of PS. Case No.-413 Year-2022 Thana- SUPPI District- Sitamarhi

Prabhu Singh, S/O Late Gajadhar Singh @ Late Gajadhar Singh, R/O Village-  
Nanhkar, Simardah, Ward No.11, P.S- Suppi, Distt.- Sitamarhi (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      06-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Suppi P.S. Case No. 413 of 2022 registered for the alleged offences under Sections 341, 323, 307, 354, 354(B), 379 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and other co-accused persons, who were variously armed, tried to forcibly cut a tree on the land of the informant. When this act was opposed by the informant, co-accused persons fired upon the informant with their pistols causing firearm injuries to the informant. Further, allegation against the petitioner is that he gave a *lathi* blow on the right hand of the informant causing fracture. Other



family members of the informant were also assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Land dispute is admitted from the FIR and the land in question belongs to this petitioner and a tree was standing on this land but the informant who is an agnate of the petitioner tried to forcibly possess the said land. Moreover, the petitioner was not present at the time of occurrence. Co-accused against whom there is allegation of opening fire has been granted bail by a Co-ordinate Bench of this Court vide order 31.08.2023 passed in Cr. Misc. No. 54669 of 2023. The case of the petitioner is on better footing. The petitioner is in custody since 14.04.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the informant and his family members were assaulted by the petitioner and other co-accused persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the admitted land dispute between the parties and further considering grant of bail to similarly placed co-accused persons along with period of custody of the petitioner and submission of



charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Sitamarhi/concerned court in connection with Suppi P.S. Case No. 413 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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