

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74857 of 2023

Arising Out of PS. Case No.-3157 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Dhiraj Singh @ Dhiraj Kumar Singh, Son of Radheshyam Singh, Resident of
Village - Sherpur, P.S. - Marhaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Complaint Case No. 3157/2022, U.T. Case No. 32/2023
registered on the basis of Protest Petition filed in Marhowra P.S.
Case No. 440/2021, lodged on 27.07.2021 under Sections 302,
120(B) of the Indian Penal Code read with section 27 of the
Arms Act.

3. The present complaint case in which the petitioner
is seeking bail as initially registered Marhowra P.S. Case No.
440 of 2021 in which the final form has come against the
petitioner and thereafter, the informant has filed a protest cum
complaint which was entertained and the Court below has taken
cognizance under section 302, 120(B) of the IPC read with



section 27 of the Arms Act vide order dated 27.01.2023.

4. Learned counsel for the petitioner submits that the informant has narrated the story in Marhowra P.S. Case No. 440 of 2021 in which no allegation has been made against the present petitioner and he was not named even in the FIR, but subsequently, the same informant has come in the complaint case with specific and direct allegation against the present petitioner. Counsel also submits that either pleading of *fardbayan* or pleading of complaint case may be true, but both cannot exist together and this creates doubt.

5. Learned counsel for the petitioner further submits that the petitioner is in custody since 27.02.2023 and has one criminal antecedent in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, 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 J.M. 1st Class, Saran in connection with Complaint Case No. 3157/2022, U.T. Case No. 32/2023 registered on the basis of Protest Petition filed in



Marhowra P.S. Case No. 440/2021, 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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