

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67216 of 2022**

Arising Out of PS. Case No.-177 Year-2022 Thana- BHAGWANPUR District- Kaimur  
(Bhabua)

=====

OM PRAKASH SINGH S/o Late Harihar Singh R/o Village- Punaw, P.O.-  
Kharendra P.S.- Belaon, Distt- Kaimur(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Advocate  
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      26-04-2023                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is an accused in connection with  
Bhagwanpur (Belaon) P.S. Case No. 177 of 2022 under sections  
147, 148, 341, 323, 504, 506 and 307 of the Indian Penal Code  
lodged on 10.08.2022 by the informant, Kalawati Devi.

As per the prosecution story, the petitioners being  
annoyed with fitting of pipe by the informant in his land started  
assaulting with '*lathi*' and when one Ranjay Tiwari went  
forward to intervene into the matter, the petitioner inflicted  
injury by '*rod*' on his head and other co-accused persons  
assaulted the sons of the informant with '*lathi*'. Accordingly,  
the FIR.



It has been contended by the learned counsel for the petitioner that there is case and counter case to the same occurrence. Although earlier he was treated at Sadar Hospital, Bhabhua as per Annexure 3, he got himself discharged and admitted in a Private Hospital, Varanasi from where a report was brought showing the injuries to be grievous in nature. He further submits that the informant's side is being agnate, without accepting the allegation and/or the outcome of the present case, would like to contribute Rs. 15,000/- to the injured to towards his treatment.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that there is case and counter case in the matter, the petitioner has remained in custody since 01.10.2022 (as stated in paragraph 14 of the bail application) do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to payment of Rs. 15,000/- to the informant, as stated above with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Bhabhua in connection with Bhagwanpur (Belaon) P.S. Case



No. 177 of 2022, subject to 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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.

**(Rajiv Roy, J)**

Jagdish/Neha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

