

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4115 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

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Vinay Kumar @ Vinay Singh Son Of Shivnandan Prasad Singh @
Shivnandan Singh Resident Of Village - Pachhiyadih, Police Station -
Muffasil, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No.394 of 2023, lodged on 22.11.2023,
under Sections 147/149/341/323/307/504/506 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the present case has been
lodged against six named accused persons including the present
petitioner. The allegation against the accused persons is that
they have attacked on the informant side due to which the
informant and others were injured. The specific allegation is
against the petitioner that he had attacked the informant by iron



rod due to which injury has been caused on his right hand and bleeding started.

4. Learned counsel for the petitioner submits that both are resident of same village and due to agriculture reason dispute has taken place from both the sides. Counsel submits that he has annexed the injury report of the informant and the doctor opined that the injuries are simple in nature caused by hard and blunt substance. Counsel further submits that there are seven antecedents of the petitioner and he is on bail in all cases. Counsel also submits that informant is not a simple man; rather he has 11 criminal antecedents. Counsel further submits that the case has been filed by the informant side in which petitioner is seeking bail and another FIR has been filed by the petitioner side which is annexed as Annexure-3. Counsel for the petitioner submits that the petitioner is in custody since 22.11.2023 and charge sheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant submits that the petitioner has filed this bail application not with clean hand. According to him, there are 11 criminal cases pending against the petitioner but he admits that there is case and counter case



from both sides.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **with condition that the informant shall provide information to the Court within seven days from the date of furnishing bail bond about all pending cases and if it is found that petitioner's antecedent is more than eight including the present one, he shall not be released on bail, but if it is found that there are only eight criminal cases including the present one he shall be immediately released on bail on being satisfied that he is not absconding in any case**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Muffasil P.S. Case No.394 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

(vi) **In case, the informant fails to produce the details of 11 criminal cases pending against the petitioner within seven days, the trial Court is free to release the petitioner on bail.**

8. It transpires to this Court that there were in total seven criminal cases pending against the petitioner. The details of those cases are as follows:-

I. Muffasil P.S. Case No.829 of 2010

II. Muffasil P.S. Case No.51 of 2011

III. Muffasil P.S. Case No.55 of 2011

IV. Muffasil P.S. Case No.64 of 2018



V. Muffasil P.S. Case No.81 of 2013

VI. Muffasil P.S. Case No.259 of 2023

VII. Muffasil P.S. Case No.159 of 2013

(Dr. Anshuman, J)

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