

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7042 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- MAHUA District- Vaishali

Upendra Singh @ Upendra Kumar Singh Son of Late Madan Singh R/o vill -
Kanhauli Gadhwali, Dhanraj, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and Mr. Ram
Sevak Choudhary, learned APP for the State.

2. This is an application seeking pre-arrest bail to the petitioner in connection with Mahua P.S. Case No. 231 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 385, 506/34 of the Indian Penal Code. He has one criminal antecedent.

3. As per the prosecution story, on 09.04.2023 at about 02:30 P.M., when the informant was constructing boundary wall, all the accused persons including this petitioner and some unknown accused persons came there and started abusing him. It is alleged that Manish Kumar pointed pistol upon on the head of the son of the informant and co-accused Kundan Singh gave iron rod blow on the head and left hand of the son of the informant which caused grievous injuries. It is



further alleged that some unknown accused persons assaulted the informant by means of slaps and *lathi* and Ranjeet Singh took away his wrist watch and Maharshi Singh took away his golden chain worth Rs.60,000/-. It is further alleged that co-accused Kundan Singh pressed the neck of the informant with an intention to kill him.

4. Earlier, this Court had allowed the prayer for anticipatory bail of the petitioner vide order dated 28.07.2023 passed in Criminal Miscellaneous Case No. 41121 of 2023 but because of the condition imposed therein as present in paragraph '9' of the order, the petitioner could not surrender. It was found later on that he had one criminal antecedent and that is the reason why this application has been filed with disclosure of the said criminal antecedent.

5. Learned counsel for the petitioner submits that inadvertently, that one criminal antecedent was not mentioned in the petition because that was a case of the year 2015 in which the petitioner was on anticipatory bail and there was a compromise between the parties. The order granting anticipatory bail to the petitioner in Mahua P.S. Case No. 490 of 2015 has been placed on the record.

6. There is no opposition to this application.



7. Having regard to the submissions made hereinabove, this Court has considered the prayer of the petitioner. It is found that vide order dated 28.07.2023 passed in Criminal Miscellaneous No. 41121 of 2023, this Court had dealt with the submissions raised on behalf of the petitioner and the State and then granted pre-arrest bail to the petitioner.

8. Paragraph '8' of the order dated 28.07.2023 passed in Criminal Miscellaneous No. 41121 of 2023 is quoted hereunder for a ready reference:-

“8. Having regard to the facts and circumstances of the case, taking into consideration the submission and the materials wherein it appears from the FIR that the allegations of causing assault is against the named accused as well as all the unnamed accused, the specific allegation of causing assault on the head of the son of the informant is against co-accused Kundan Singh who is not before this Court and the allegation of causing assault on the informant is against unknown persons, in the nature of the materials, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Mahua P.S. Case No. 231 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.”

9. Having regard to the submissions noted hereinabove, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Mahua P.S. Case No. 231 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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