

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13878 of 2024

Arising Out of PS. Case No.-474 Year-2023 Thana- SAHPUR District- Bhojpur

Dhanji Singh Son of Ganga Dayal Singh Resident of Village- Birpur, Police
Station- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 474 of 2023 for the offence under sections 147, 148, 149, 341, 323, 307, 504, 506 of the I.P.C. and section 27 of Arms Act lodged on 10.10.2023 by the informant, Naresh Kumar Singh.

3. As per the prosecution story, the informant alleged that due to pending land dispute, the accused persons assembled and attacked. Ram Lal Singh, Hira Singh, Yoginder Singh, Ramjee Mahto, Nandi Singh and Salik Singh became injured by the assault of the accused persons. Further allegation against Harendra Singh and Dhanji Singh (the petitioner herein) is that they opened fire. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that role



of assault is not on this petitioner rather it is alleged that he opened fire. It is his further submission that a counter version to this case is also there, the same being earlier vide Sahpur P.S. Case No. 473 of 2023 in which also amongst other, 307 IPC has been incorporated. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that to create panic, he opened fire as alleged in the FIR.

6. Taking into account the submissions put forward by the parties as also the fact that the allegation of assault is not on this petitioner, he do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Bhojpur, in connection with Shahpur P.S. Case No. 474 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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 his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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