

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17643 of 2024

Arising Out of PS. Case No.-463 Year-2022 Thana- BARHARIA District- Siwan

Ranu Singh @ Pouch Son of Dharmendra Singh @ Dharmendra Kumar Singh
Resident of Village- Narharpur Babu Tola, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant	:	Mr. Harendra Prasad, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner, Mr. Harendra Prasad, learned counsel
for the Informant and Mr. Upendra Kumar, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
29.10.2022, in connection with Sessions Trial No 110 of 2023
arising out of Barharia P.S. Case No. 463 of 2022, F.I.R. dated
27.10.2022 registered for the offences punishable under
Sections 341, 323, 324, 307, 302, 504, 506/34 of the Indian
Penal Code.

3. Learned Senior counsel for the petitioner submits
that the petitioner has clean antecedent and he has been falsely
implicated in the present case.



4. Earlier the bail petition of the petitioner was rejected vide order dated 17.07.2023 passed in Cr. Misc. No. 24398 of 2023 and thereafter the petitioner again moved for bail before this Hon'ble Court in Cr. Misc. No. 81229 of 2023 which was dismissed as withdrawn on 15.12.2023 with liberty to move a fresh application before the learned Court below. As per allegation in the F.I.R. that the petitioner has inflicted knife blow at the chest of the deceased and it appears from the F.I.R. itself that there is no allegation of repetition of blow but the postmortem report of the deceased person suggests that he has received two injuries and the postmortem report does not support the allegation as alleged in the F.I.R. against the petitioner.

5. Vide order dated 01.03.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 11.03.2024 reveals that out of ten (10) chargesheeted witnesses, five (05) witnesses have already been examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 29.10.2022.



7. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against the petitioner.

8. Considering the aforesaid facts that the medical report does not support the allegation as alleged in the F.I.R. against the petitioner and apart from that the report of the learned Trial Court as well as the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Siwan in connection with Sessions Trial No. 110 of 2023 arising out of Barharia P.S. Case No. 463 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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