

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39151 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- BALIYA District- Begusarai

Krishan Singh @ Krishna Singh @ Krishn Singh @ Kisho Singh S/O Late
Shivnandan Singh @ Shivnandan Singh R/O Village- Iniyar (INIAR) Danauli
Phulwaria, P.S.- Muffasil (LAKHO O.P.), Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ballia (Baliya) P.S. Case No. 318 of 2023 dated 13.11.2023,
instituted for the offence punishable under Sections 147, 341,
323, 324, 307, 504, 506, 384 and 379 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
along with his nephew was doing construction of boundary wall
of his ancestral land. In the meanwhile, accused persons named
in the F.I.R. armed with weapons came and started abusing and
assaulting the informant with an intention to kill. The informant
further alleged that all the F.I.R. named accused persons
assaulted him and his labourers by iron rod due to which one of



his labour namely, Rajesh Kumar got injury on his head. It is further alleged that the F.I.R. named accused pointed pistol on his nephew and demanded rangdari of Rs. 5 lakhs and also snatched Rs. 20,000/- cash and a gold chain. The informant further alleged that the accused even fired at the him but the he saved himself.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is a specific allegation of assault on the head of Rajesh Kumar by means of iron rod but the injury report does not corroborate the allegation of assault on the head of said Rajesh Kumar. It is further submitted that doctor has mentioned the nature of injury as abrasion of size 1/2"x1/2" below lower lip on left side caused by hard and blunt object. It is further submitted that there is allegation of firing from the petitioner's side but the F.I.R. has not been registered under the Arms Act. It is further submitted that the alleged occurrence took place on 11.11.2023 but the F.I.R. was lodged on 13.11.2023 i.e. after a lapse of two days without any cogent explanation. It is further submitted that there is a case and counter case between the parties *vide* Ballia (Baliya) P.S. Case No. 319 of 2023 dated 13.11.2023 lodged by the petitioners'



side. Lastly, it has been submitted that the petitioner has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ballia (Baliya) P.S. Case No. 318 of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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