

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41661 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Deepak Kumar Singh Son of Chandeshwar Singh R/O Vill.- Barharwa Khurd,
P.S.- Dumariyaghat, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Surendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dumariyaghat P.S.Case No.240 of 2023, FIR
dated 24.08.2023 registered for the offences punishable under
Sections 341,323,324,307,379,447,448,504,506,34 of IPC.

3. Prosecution case in brief is that on on 24.08.2021,
at about 21 30 PM. the informant, Nagina Singh, son of Late
Bhikhari Singh, resident of village Barharwa Khurd PS-
Dumariyaghat, District East Champaran, submitted written
report before the Officer-in-charge of Dumariyaghat PS alleging
therein that on 23.08 2023 at about 10 P.M. all accused persons



including the petitioner came at the door of the informant and Sachin Prakash Singh, Deepak Singh, Ajit Kumar Singh and Deepak Singh Ranjit Kumar assaulted informant's son namely Chunnu Singh by means of farsa and lathi. Thereafter Prince Kumar, Dhuraj Kumar Singh, Rahul Kumar Singh, Sitesh Kumar Singh and Omprakash Singh assaulted Informant's son by means of lathi, Vikash Singh, Chandeshwar Singh, Mani Kumar Singh, Maheshwar Singh, Parmeshwar Singh, Rupesh Kumar Singh and Pramod Kumar Singh entered into the house of the informant and took away utensils, ornaments and cash etc. Unknown persons were giving threatening to accused persons. It is further stated that occurrence has taken place at the instance of Armendra Singh.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It appears from the FIR that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the present occurrence had taken place due to admitted land dispute between the parties and both the parties are agnates to each other and there is case and counter case and



co-accused person, namely, Om Prakash Singh and Deepak Kumar Singh @ Ranjeet Kuamr @ Deepak Singh have been granted privilege of anticipatory bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No.9502 of 2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from the aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No.240 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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.

(Rajesh Kumar Verma, J)

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