

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54624 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Ayush Singh, Son of Bibhuti Singh, Resident of village - Manzhariya, Police
Station - Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Parijat Saurav, learned counsel for the

petitioner and Mr. Ram Naresh Ray, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Buxar (Industrial) P.S. Case No. 111 of 2024
registered for the offences punishable under Sections 341, 323,
307, 379, 504 and 506/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. Allegedly, while the informant was returning to his
home on his motorcycle, in the meanwhile, he saw that 7-8
youths armed with iron rod were engaged in altercation with a
truck driver and few persons were gathered there. When the
informant tried to pacify the matter, the petitioner along with
others started abusing and assaulting him. It is specifically



alleged that the petitioner assaulted the informant by means of iron rod over his head and ear due to which he sustained serious injuries. There is allegation against other accused persons that they took out their pistol from their waist and made firing and also looted valuables.

4. Learned counsel for the petitioner, referring to the FIR contended that, in fact, it was a case of accident in which the petitioner, who was coming on a motorcycle along with his friend collided with the informant due to which both the petitioner and his friend were sustained injuries. In support of his contention, learned counsel for the petitioner drew the attention of this Court to the injury reports, which have been brought on record as Annexure-2 to the bail application. It is next contended that so far the injuries sustained to the informant are concerned, though initially he was examined by the doctor(s) at Sadar Hospital, Buxar, where the injuries have been found to be simple in nature. However, later on, the informant was referred to other hospital where one of the injuries sustained over his ear has been found to be grievous in nature. The aforesaid fact is evident from the impugned order. It is next contended that even the allegation is taken to be true, no case is made out, much less under Section 307 of the I.P.C., as there



was no intention to kill or cause any injury, which is likely to cause death of a person. There is no allegation whatsoever of theft and causing fire against the petitioner and, as such, no offence, much less under Section 379 of the I.P.C. and Section 27 of the Arms Act are made out. It is also the contention of the petitioner that only because of past criminal antecedent, the name of the petitioner has been implicated in this case and now the petitioner has been incarcerated since 20.05.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that specific allegation of causing assault has been levelled against the petitioner due to which the informant sustained grievous injury. The petitioner also bears two criminal antecedent and, as such, he appears to be habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which suggest that both the persons sustained injuries and, moreover, the allegation, *prima facie* reveals that the incidence took place on a spur of moment, coupled with the fact that there is no allegation with regard to theft and firing against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/Successor Court in connection with Buxar (Industrial) P.S. Case No. 111 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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