

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53882 of 2024

Arising Out of PS. Case No.-281 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

1. Harihar Singh Son Of Muna Singh Resident Of Patti, P.S. - Sonhan, District - Kaimur At Bhabhua
2. Chandan Singh @ Chandradhar Singh Son Of Kesha Singh @ Ramekesh Singh Resident Of Patti, P.S. - Sonhan, District - Kaimur At Bhabhua
3. Ganga Singh Son Of Late Maharaj Singh Resident Of Patti, P.S. - Sonhan, District - Kaimur At Bhabhua
4. Ramwatar Singh @ Ramawatar Singh Son Of Cheta Singh Resident Of Patti, P.S. - Sonhan, District - Kaimur At Bhabhua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aquaib Khan, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Bhabhua (Sonhan) P.S. Case No. 281 of 2024 for the offences punishable under Sections 147, 148, 323. 307. 379. 427. 504. 506 and 149 of the Indian Penal Code and later added Section 302 of IPC, lodged on 17.04.2024 by the informant, Premchandra Singh.

3. As per the prosecution story, the informant alleged that when his nephew Ashu Kumar was moving in Bolero, the accused persons armed variously forced him to come out of the car and thereafter assaulted. He desperately made a call after which the informant side went to the spot when the allegation is that Ganga Singh (petitioner no.3) hit the informant (Premchandra



Singh) on the head by an iron rod causing injury. The other members were also beaten by all the accused persons which ultimately led to the death of Vijay Singh, this followed the F.I.R.

4. Learned counsel for the petitioners submit that there is case and counter case, the petitioners side have also suffered, a perusal of the F.I.R. would show that the main allegation is against Ganga Singh who hit the head of the informant causing injuries.

5. So far as the other assault part is/are concerned, the allegation is omnibus in nature of having assaulted the informant side, they are having clean antecedent and it was sudden provocation between the parties which led to the occurrence. There was no intention and or any background to assault them. The last submission is that they have remained in custody since 29.04.2024 (paragraph no.11 of the petition).

5. Learned counsel for the informant as well as learned APP for the State on the other hand vehemently opposes the prayer submitting that the injury sustained by the informant was found to be grievous in nature and further Vijay Singh succumbed to the injuries.

6. Having gone through the facts of the case as also the submissions put forward by the parties, admittedly, the specific allegation is against Ganga Singh (petitioner no.3) of hitting on the head of the informant causing injury to him. So far as the assault



to other members of the informant side is/are concerned, the same is/are omnibus in nature, though there has been an unfortunate death of one Vijay Singh, and as per the petition, none of the petitioners are having criminal antecedent and they have remained in custody since 29.04.2024, considering all these facts, so far as the bail application of Ganga Singh (petitioner no.3) is concerned, it stands rejected.

7. Regarding the petitioner nos.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively are concerned, considering the omnibus nature of allegation that has come against them, there is case and counter case, none of them have criminal antecedent and are in custody for almost seven months, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhua, in connection with Bhabhua (Sonhan) P.S. Case No. 281 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively who shall



provide official document to show his *bona fide*;

(ii) the petitioner no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively shall in now 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 no.1, 2 and 4 namely Harihar Singh, Chandan Singh and Ramwatar Singh respectively shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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