

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56452 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- SAHPUR District- Bhojpur

Dhanu Singh, Son Of Shiv Janam Singh, Village- Ishwarpura, Ps- Shahpur,
Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Shahpur P.S. Case No. 160
of 2023 registered for the offence punishable under Sections
147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code
and Section 27 of the Arms Act.

3. Allegedly, while the husband of the petitioner was
at his door, in the meantime, all the accused persons, including
the petitioner, armed with rifle came there and started abusing.
On protest being made, all the accused persons resorted firing
upon the husband of the informant, however he anyhow saved
himself.

4. Learned Advocate appearing on behalf of the peti-
tioner submitted that even as per the narratives made in the FIR,



it is evident that no one has sustained any injury. Other co-accused persons against whom there was identical allegation, they have been allowed the privilege of anticipatory bail in Cr. Misc. No. 33414 of 2024, vide order dated 28.05.2024. It is next contended that, in fact, on account of his past criminal antecedent in four other criminal cases, his name has been implicated in this case. However, the petitioner is on bail in all other cases. Now the petitioner has been incarcerated since 18.04.2024. The investigation of the crime is also complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the husband of the informant was fortunate one that he did not sustain any fire arm injury.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that none has sustained any injury, other co-accused persons have been allowed anticipatory bail facing similar allegation, coupled with the fact that the investigation is complete and the chargesheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Arrah, Bhojpur in connection with Shahpur P.S. Case No. 160 of 2023, 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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