

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59533 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- TARAIIYA District- Saran

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Dharmbir Singh, S/o Ramjee Singh, R/o vill - Taraiya, P.S. - Taraiya, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 386, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of three cases and the informant alleges that he was intercepted by the accused persons including the petitioner and Ravi demanded an extortion of Rs.50,000/- at gun point. Thereafter, Sujit assaulted him by an iron rod causing injury on head. Further, Mantu and Raja also assaulted him by rod causing fracture of left hand. Thereafter, petitioner along with Ashok tried to strangulate him by a towel, but on alarm, the accused fled.



4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of demanding extortion and assault is against Ravi, Sujit, Mantu and Raja and the petitioner is alleged to have tried to strangulate the informant by a towel along with Ashok, but on alarm the accused persons fled. It is thus submitted that the thrust of the allegation is against other accused persons and the petitioner has been implicated with an ornamental allegation that he was trying to strangulate the informant. It is next submitted that no doubt, petitioner has antecedent, but then, the nature of allegation as alleged in the FIR is also to be appreciated. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Saran at Chapra in connection with Taraiya P. S. Case No.20 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, the petitioner shall not abscond rather will keep marking his attendance in the concerned police station in between 25th-30th of every month commencing from September, 2024, till the charge-sheet is not submitted.

9. However, it is made clear that if the petitioner does not mark his attendance in between the dates as recorded herein above every month till filing of the charge-sheet, the Investigating Officer shall be at liberty to file an application before the learned trial Court bringing to its notice that petitioner is not adhering to the condition of bail and the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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