

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59998 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

=====

Tarkeshwar Singh, Male, aged about 52 year, Son of Ramjanam Singh,
resident of Village- Jalalpur, P.S.- G.B. Nagar, Tarwara, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2024 Heard Mr. Parmatma Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ram Bilash Roy

Raman, learned APP for the State.

2. Petitioner seeks regular bail in connection with

Goutam Bhudh Nagar (G.B.Nagar) P.S.Case No.261 of 2023,

registered for the offences punishable under Sections 341, 323,

325, 307, 379, 504 & 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the co-

accused persons including the petitioner, had assaulted the

informant by means of iron rod, due to which both the hands

and legs of the informant were fractured. Co-accused Ashish

Kumar Singh @ Kalia, had assaulted the informant on his head

by means of iron rod.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner is own brother of the informant. There is case and counter case between the parties relating to land dispute, however, he has admitted that Title Suit No.8 of 2014 is pending before the court of Sub-Judge 7th , Siwan. Specific allegation of assault on the head of the informant by means of iron rod is against co-accused, Ashish Kumar Singh @ Ashish Kumar @ Kalia, who has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 21.03.2024 passed in Criminal Miscellaneous No. 4170 of 2024. Other co-accused, namely, Paras Nath Singh has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 20.09.2023 passed in Criminal Miscellaneous No. 56834 of 2023 and Ashish Kumar @ Jhannu @ Ashik Kumar Singh has been granted pre-arrest bail by this Court vide order dated 16.10.2023 passed in Criminal Miscellaneous No. 61595 of 2023. Petitioner is in custody since 27.05.2024. On these grounds, petitioner seeks to be released on regular bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the rival submissions made on behalf



of the parties, as well as, the fact that petitioner is own brother of the informant. There is case and counter case between the parties relating to land dispute, however, he has admitted that Title Suit No.8 of 2014 is pending before the court of Sub-Judge 7th , Siwan. Specific allegation of assault on the head of the informant by means of iron rod is against co-accused, Ashish Kumar Singh @ Ashish Kumar @ Kalia, who has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 21.03.2024 passed in Criminal Miscellaneous No. 4170 of 2024. Other co-accused, namely, Paras Nath Singh has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 20.09.2023 passed in Criminal Miscellaneous No. 56834 of 2023 and Ashish Kumar @ Jhannu @ Ashik Kumar Singh has been granted pre-arrest bail by this Court vide order dated 16.10.2023 passed in Criminal Miscellaneous No. 61595 of 2023. Petitioner is in custody since 27.05.2024. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on regular bail.

7. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Siwan,



in connection with Goutam Bhudh Nagar (G.B. Nagar) P.S. Case No.261 of 2023 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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