

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69278 of 2024

Arising Out of PS. Case No.-343 Year-2024 Thana- WAJIRGANJ District- Gaya

Satendra Singh @ Satendra Kumar Son of Late Ishwari Singh @ Ishwar Singh R/O Vill.- Bhura, P.S.- Wazirganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Wazirganj P.S. Case No. 343 of 2024 for the offence punishable under sections 341, 323, 307, 354B, 379, 504, 506 and 34 of the Indian Penal Code lodged on 31.05.2024 by the informant, Surendra Singh.

3. As per the prosecution story, the informant alleged that due to parking of the tractor, the fight broke out and allegation is that the named accused alongwith other unidentified persons assaulted the informant and his sons and when the wife came to the rescue, her modesty was also outraged. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a simple altercation has given the colour of assault. The fact remains that there is a case and counter-case, he has already suffered by being in custody since 01.06.2024 (paragraph no. 12



of the petition) and the injury is simple in nature. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that assault theory is assigned to this petitioner.

6. Though the assault theory is there, he has remained in custody since 01.06.2024 and the injury has been found to be simple in nature, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the learned Trial Court at the time of execution of bail bond.

7. Let the petitioner 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 ACJM-I, Gaya, in connection with Wazirganj P.S. Case No. 343 of 2024 subject



to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no 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 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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