

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70355 of 2024

Arising Out of PS. Case No.-440 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Chitranjan Singh @ Chiranjivi Kumar @ Chiranjivi Singh @ Chiraiya @
Chiraiya Singh Son of Bhagtu Singh R/O- Kapasiya, Ward No- 13, P.s- Town,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, A.P.P.
For the Informant	:	Mr.Priyesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-10-2024 Learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State and learned counsel for the Informant.

3. The petitioner seeks bail in connection with Begusarai Town P.S. Case No. 440 of 2024 registered for the offences punishable under Sections 190, 191(2), 191(3), 115(2), 118(1), 109(1), 76, 303(2) and 351(3) of the Bhartiya Nyay Sanhita, 2023.

4. As per prosecution case, the allegation against



petitioner is in two folds. Firstly, the petitioner is said to have fired from his pistol. Secondly, petitioner is said to have instigated the mob to attack the informant and others. It is further alleged that petitioner alongwith others assaulted the victim namely Babita Devi, Punam Devi and Archana Devi and they also snatched gold chain (1.5 Bhar) from the neck of Babita Devi. It is also alleged that petitioner alongwith other assaulted the wife of Lakshman Pathak by means of rod and petitioner snatched a gold chain of 2 bhar from her neck.

5. Learned counsel for the petitioner submits that there is no firing material found at the place of occurrence to support the allegation made against the petitioner in the F.I.R. He further submits that though the victim namely Shweta devi, Babita Devi, Archana Pathak, Punam Devi and Priyanka Devi sustained injury but one injury of injured Shweta Devi upon her finger is found to be grievous in nature and except this all the injuries of injured persons are simple in nature. He further submits that no specific allegation of assault is attributed against the petitioner rather the allegation is general and omnibus in nature. Petitioner is in custody since 31.07.2024 and bears criminal antecedent of seven cases out of which in one case petitioner has got acquittal and in six cases petitioner is on bail.



He further submits that petitioner has been roped in one case after another case in a routine manner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant further submitted that petitioner bears more than seven criminal antecedent.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 440 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall submit an undertaking before the trial court that he bears criminal antecedent of seven cases and if it is found by the learned trial court that petitioner bears more than seven criminal antecedents, his bail bond shall not be accepted by the learned trial court.

(Alok Kumar Pandey, J)

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