

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73944 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- DURAULI District- Siwan

Upendra Singh S/O Late Bal Bhadra Rai R/O Village- Mura Karmawar, P.S.-
Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Darauli P.S. Case No. 320 of 2023 registered for the offences
punishable under Sections 147, 341, 323, 307, 379, 504, 427, 506
of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is that he assaulted upon the head of the Dharmendra
Singh by means of *Gajbena*, as a result of which he sustained
injury.

4. Learned counsel for the petitioner submits that
there is dispute regarding common pavement between the
petitioner's side and informant's side and the petitioner's son has
filed a case i.e. Darauli P.S. case No. 326/2023 for the occurrence
took place on 18.11.2023 and the present F.I.R. was also lodged



for the occurrence took place on 18.11.2023. In that context, there is case and counter case between the parties for the same date of occurrence. He further submits that there is allegation against the petitioner who is said to have assaulted Dharmendra Singh by means of *Gajbena* and the victim Dharmendra Singh Sustained injury on head which is said to be grievous in nature but there is no repetition of blow upon the head of the victim. On that score, no offence is made out against the petitioner under Section 307 of I.P.C. He further submits that petitioner surrendered before the concerned court on 21.08.2024 and since then he is in custody. Petitioner bears no criminal antecedent. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case on account of land dispute. He further submits that in the cases of land dispute, facts are generally exaggerated to make the offence graver.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that there is specific allegation against the petitioner and the injury sustained by victim is said to be grievous in nature.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 C.J.M., Siwan in connection with Darauli P.S. Case No. 320 of 2023, 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.

(Alok Kumar Pandey, J)

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