

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79554 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- BEERPUR District- Begusarai

Subham Kumar Singh @ Subham Kumar @ Shubham Kumar Singh Son of
Kanhaiya Singh Resident of Village - Birpur, P.S. - Birpur, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner is in custody in connection with
Birpur P.S. Case No. 169 of 2024 for the offence punishable
under sections 126(2), 308(2), 109, 117 (2), 115 (2) and 3 (5) of
the Bharatiya Nyaya Sanhita, Sections 37 (c) of the Bihar
Prohibition and Excise Act and 25 (1-b) a of the Arms Act lodged
on 27.08.2024 by the informant, Chunnu Kumar.

3. As per the prosecution story, the informant alleged
that while he was in his ice cream factory alongwith his brother,
the accused persons stormed the office and after asking for
extortion, allegation is that Subham Kumar Singh (petitioner
herein) gave wooden stick blow on the head of his brother
Munnu causing injury whereafter Chhotu Kumar assaulted with
the butt of the pistol on his nose which resulted into bloody nose
and he became unconscious. Abhimanyu Kumar assaulted by



wooden stick to Munnu who was already unconscious and further, they also assaulted the informant. Before leaving, they took Rs. 30,000/- from the factory and when the Police vehicle arrived, the injured were shifted to Sadar Hospital, Begusarai from Primary Health Center, Birpur This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that main allegation is against Chhotu of using pistol butt to hit on the nose of informant's brother, Munnu as also Abhimanyu Kumar who assaulted with wooden stick on Munnu Kumar when he was unconscious. So far as this petitioner is concerned, though allegation of using wooden stick is there, Annexure-3 would show that the injury on the head has been found to be simple in nature.

5. Learned counsel for the petitioner further submits that since they are family members, without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner on its own would like to contribute Rs. 10,000/- towards the medical assistance of Munnu 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.

6. Learned counsel for the informant who has appeared



suo motu opposes the prayer submitting that the informant's side have got land through the maternal side which is resented by the cousin maternal uncles and regularly, they create trouble only with the purpose to grab the land and in continuation of that, they made assault.

7. It is unfortunate that a quarter decade of 21st Century has passed on but the gender biasedness still continues. However, considering the submissions put forwarded by the parties as also the fact that the main allegation is against Chhotu Kumar of using pistol butt to hit the nose of Munnu Kumar, this petitioner used the wooden stick to hit on the head which has been found to be simple in nature, is in custody since 27.08.2024 (paragraph-4 of the petition) and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the informant 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 Trial Court.

8. 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 Exclusive Special Excise Judge-I, Begusarai, in connection with Birpur P.S. Case No. 169 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/-

U		T	
---	--	---	--

