

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82763 of 2024

Arising Out of PS. Case No.-337 Year-2024 Thana- CHIRAIYA District- East Champaran

Awanish Kumar Singh Son of Rudal Singh Village- Khartari PS- Chiraiya
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Adv. Mr. Ashwani Raj Narayan, Adv. Mr. Chitra Gupta, Adv.
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Chiraiya P.S. Case No. 337 of 2024 for the offence punishable under sections 329(3), 191(2), 191(3) and 190 of the Bhartiya Nyaya Sanhita, 2023 & Section 25(1-B)a, 26, 27, 35 of the Arms Act lodged on 25.08.2024 by the informant, Arun Kumar.

3. As per the prosecution story, the informant, the police officials alleged that on the information that the two parties are resorting to firing, reached the place where saw Rinku Singh and Sanjay Rai and the supporters have resorted to firing relating to land dispute. Though on seeing the number 112 Police team, people tried to escape, allegation against this petitioner is that he was apprehended along with single Barrel



Gun. As Sanjay Rai and his supporters started firing, the police team had to retreat. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of his criminal antecedent and close to Rinku Singh, implicated. He had nothing to do with the alleged occurrence, as the accused escaped, the arms were lying on the field in which he has been implicated.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 25,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer for bail submitting that both the parties resorted to firing, thus causing nuisance in the society.

7. It is true that the police who has to take care of law and order situation are over-burdened due to these activities of the criminals/accused in which due to land dispute, they resort to firing and ultimately the Courts are also burdened with the criminal cases lodged against each other, in this particular case, the police reached in time and was able to stop any untoward incident as the two factions retreated. Allegation against this



petitioner is of having been caught along with Single Barrel Gun, is in custody since 26.08.2024, ultimately will face the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 25,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

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 Judicial Magistrate First Class, Sikharana, Dhaaka, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 337 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)

Vijay Singh/-

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