

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83672 of 2023

Arising Out of PS. Case No.-837 Year-2023 Thana- KHAGARIA District- Khagaria

PARSURAM SINGH @ PARBHURAM SINGH SON OF BANARSI
SINGH R/O VILLAGE- SAURAY DIH, P.S.- MUFFASIL, DISTRICT-
KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khagaria (Muffasil) P.S. Case No. 837 of 2023 registered for the
offences punishable under Sections 341, 323, 307, 379, 504,
506/34 of the Indian Penal Code read with Section 27 of the
Arms Act.

3. As per prosecution case, an unlawful assembly
of accused persons including the petitioner stopped the
informant's motorcycle while he was going to Khagariya
market. Thereafter, they dragged the informant and brutally
assaulted him. It is alleged that co-accused Ramchandra Singh
fired upon the informant as a result of which informant



sustained injury. It is alleged that the reason behind the occurrence is land dispute between the accused persons and informant's uncle.

4. Learned counsel for the petitioner submits that there is no specific overt-act attributed against the petitioner rather the allegation is general and omnibus in nature. Petitioner is merely a member of unlawful assembly. He further submits that the specific allegation of firing is against co-accused Ramchandra Singh. Petitioner is innocent and has committed no offence as alleged against him in F.I.R. No incriminating article has been recovered from the possession of the petitioner. He is in custody since 18.08.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 837 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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