

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7821 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- BARHARA District- Bhojpur

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PRAFUL KUMAR SINGH @ PRAFUL SINGH S/O- BHUSHAN SINGH @
BRAJ BHUSHAN SINGH R/O- VILLAGE- KESHOPUR, PS-
BARAHARA, DIST- BHOJPUR AT ARA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Barahara P.S. Case No. 572 of 2023 for the offence under sections 341, 323, 307, 504, 506 and 34 of the I.P.C. and 27 of Arms Act lodged on 01.10.2023 by the informant, Mithlesh Kumar Singh.

3. As per the prosecution story, the informant alleged that there was a quarrel with one Bhushan Singh which was pacified but after an hour, they heard gun shot coming out of house and found Pawan Singh and Praduman Singh opening fire. The further allegation is that Bhushan Singh hit the informant by *iron rod* on his head while the petitioner and Geeta



Devi assaulted his brother, Ranvir Kumar and his mother. Lastly, they escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it is an exaggerated FIR in which the family members have been implicated. The allegation is mainly against Bhushan Singh of hitting the informant on the head by *iron rod*. He further submits that the injuries have been found to be simple in nature, firing of gun shot has been attributed to Pawan Singh. Though he has criminal antecedent, three of them belong to the same occurrence.

5. Still considering the injury part, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5,000/- to the injured 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 APP opposes the prayer.

7. Taking into account the submissions put forward by the parties as also that the injuries have been found to be simple



in nature, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- to the injured as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Barahara P.S. Case No. 572 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 next 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)

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