

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.731 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- RAJPUR District- Buxar

Hera Lal Singh Son of Ramcheej Singh Resident of village-Pipradh, P.S.-
Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Satish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Surendra Kumar Singh, learned counsel
for the petitioner and Mr. Satish Kumar, learned counsel for the
informant as well as Mr. Ram Bilash Roy Raman, learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with Rajpur
P.S. Case No. 207 of 2023 registered for the offence under
Sections 341, 342, 323, 307, 504, 506, 379 of the Indian Penal
Code and later added Section 302 of the Indian Penal Code.

3. The petitioner along with other is alleged to have
assaulted the brother of the informant due to which he sustained
injury.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further



submits that there is case and counter case between the parties and due to admitted land dispute the present occurrence has taken place. He further submits that from a bare perusal of the FIR it appears that there is specific allegation against the petitioner that he assaulted to the brother of the informant namely, Bablu Singh but there is no injury report available on the record to suggest that the Bablu Singh has received any injury in the present occurrence. He further submits that other co-accused person, namely, Raju Singh has been granted anticipatory bail by this Court vide order dated 09.10.2023 passed in Cr. Misc. No. 51806 of 2023 and another co-accused person namely, Jawahar Singh has been granted regular bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 11.12.2023 passed in Cr. Misc. No. 53704 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.09.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the allegation against the petitioner that he along with other co-accused persons has assaulted to the family members of the informant and apart from that the



witnesses have also supported the case of the prosecution.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act upon the deceased, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 207 of 2023 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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