

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11245 of 2025

Arising Out of PS. Case No.-708 Year-2024 Thana- BASANTPUR District- Siwan

Dipak Kumar Singh @ Deepak Singh Son of Ajay Singh Resident of Village -
Rampur, P.S. - Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anish Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Basantpur P.S. Case No. 708 of 2024, registered for the offences under Sections 191(1), 126(2), 115(2), 308(3), 109(1), 303(2), 324(2) and 351(2) of the B.N.S.

3. As per the prosecution case, petitioner and other co-accused persons abused and demanded extortion money of Rs. 5 lakh from the informant. When the informant refused, he was threatened with gun and petitioner and co-accused Ashish Kumar Singh hit him on his head with rod causing him fracture and when the brother, mother and father of the informant intervened, they were also assaulted and co-accused took away Rs.1,50,000/- from a box and snatched a chain worth



Rs.1,70,000/- from the informant and they also damaged goods worth lakhs.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is case and its counter version. For the occurrence of the same date and time, petitioner side has lodged Basantpur P.S. Case No. 709 of 2024 against informant and his brother under Section 126(2)/115(2)/303(2)/3(5) of the B.N.S. as the petitioner and his brother and other family members were brutally assaulted causing serious injuries to them when they went to the plant of the informant making request not play vulgar songs. Learned counsel further submits that informant has been running a brick kiln adjacent to the house of the petitioner and regularly plays vulgar songs at high sound and on the date of occurrence he was again doing the same. Learned counsel further submits that falsity of the allegation is apparent from the fact that several staff/workers of the informant had been working at his kiln despite this fact, he has alleged that petitioner and other co-accused persons assaulted him, his brother, father and mother and also took away money from his place. Learned counsel further submits that there is no fracture injury on the head of the



informant and this falsifies the allegation against the petitioner. Only one injury is found to be grievous and that is a nasal fracture. All the offences are bailable except one under Section 303(2) of the B.N.S. which is a super addition. In fact the informant or his brother surrendered themselves before the Court on 16.11.2024 within three days of the occurrence in Basantpur P.S. Case No. 709 of 2024 and they were granted bail which shows the informant or his brother has not received any serious injuries. The petitioner is in custody since 06.12.2024 and he has two criminal antecedent. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. however concedes that there is no specific allegation against the petitioner for causing injury to the informant and also for taking away money from the house of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the improbable nature of allegation and further considering the absence of injury alleged against the petitioner and also considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on



furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Siwan/concerned court, in connection with Basantpur P.S. Case No. 708 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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