

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33315 of 2025

Arising Out of PS. Case No.-417 Year-2024 Thana- BANKA District- Banka

Gaurab Kumar Singh @ Kumar Gaurab S/O Late Sunil Kumar Singh R/O
Village- Paliyar, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
		Mr. Vijay Kumar Sinha, Advocate
For the State	:	Mr. Ramesh Chandra, A.P.P.
For the Informant	:	Mr. Arvind Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Banka P.S. Case No. 417 of 2024, registered for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 303(2) & 351(2) of the B.N.S.

3. As per the prosecution case, petitioner and other co-accused persons attacked the informant and his father. The petitioner is said to have given spade blows thrice to the father of the informant who fell down bleeding.

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 no injury report of the informant though it is alleged that the petitioner assaulted the informant and his father thrice. Since no injury has been received by the informant, it falsifies the prosecution case. It



further transpires from the injury report of the father of the informant shows that only one injury has been found on the body of the father of the informant. The claim in the FIR that petitioner assaulted thrice by spade is not corroborated by the injury report available on record. There is case and its counter version and mother of the petitioner has filed Banka P.S. Case No. 419 of 2024 against the informant and others for offences committed on the same date. There is some land dispute between the petitioner and informant side and due to this reason, the petitioner has been falsely implicated in this case. The allegation of taking Rs. 5,000/- is false, frivolous and ornamental. Learned counsel further submits that the petitioner has no antecedent and surrendered on 17.04.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner that he gave spade blows to the informant and his father thrice. The injury report shows that grievous injury was caused to the father of the informant.

6. Having regard to the fact and circumstances and



submission made on behalf of the parties and considering the period of custody and submission of charge sheet, 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 C.J.M., Banka/concerned court, in connection with Banka P.S. Case No. 417 of 2024, subject to the condition laid down under Section 480(3) of the BNSS 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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