

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43489 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Ganga Singh Son of Late Maharaj Singh Resident of Village - Patti, P.S.-
Sonhan, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aquaib Khan, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2025 Heard Mr. Aquaib Khan, learned counsel for the
petitioner and learned APP representing the State.

2. The petitioner is in custody in connection with Bhabhua (Sonhan) P.S. Case No. 281 of 2024 registered for the offence punishable under sections of the 147, 148, 323, 341, 307, 379, 427, 504, 506 and 149 Indian Penal Code, lodged on 17.04.2024 by the informant, Premchandra Singh.

3. As per the prosecution story, the informant alleged that when his nephew, Ashu Kumar was moving in Bolero, the accused persons armed variously forced him to come out of the car and thereafter assaulted. He desperately made a call after which the informant side went to the spot when the allegation is that Ganga Singh (petitioner herein) hit the informant (Premchandra Singh) on the head by an iron rod causing injury.



The other members were also beaten by all the accused persons which ultimately led to the death of Vijay Singh, this followed the F.I.R.

4. Learned counsel for the petitioner submits that there is case and counter case, so far as the specific allegation against him is concerned, it relates to assaulting on the head of the informant Premchandra Singh while omnibus allegation of assault is on Vijay Singh (deceased). He submits that though some of the injuries have been found to be simple in nature, the injuries on the arm has been found to be grievous which has not be attributed to him.

5. In this case, the case diary as also the Trial Court record was called for which is on record and it shows that though twelve witnesses are to be examined, none have been produced. This report is dated 09.07.2025.

6. Learned counsel for the petitioner submits that if granted bail, he shall be appearing in trial, has no criminal antecedent, is in custody since 29.04.2024 and the last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.10,000/- to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India.



7. Learned APP opposes the prayer for bail submitting that the petitioner assaulted both Vijay Singh and Premchandra Singh and there is injury on the head of Premchandra Singh.

8. Considering the submissions of the parties as also the fact that he has remained in custody since 29.04.2025, the Trial Court report shows that not a single witness has been examined, he has no criminal antecedent, so far as the assault on deceased is concerned, it is omnibus in nature, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the informant towards treatment by Demand Draft issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhua, in connection with Bhabhua (Sonhan) P.S. Case No. 281 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(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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