

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78761 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- RUPO District- Nawada

Pinku Singh Son of Shivdani Singh R/o Village Chhanaun, P.S. Rupau, Dist. Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rupau P.S. Case No. 49 of 2024 instituted for the offence under Sections 127(1), 115(2), 109, 303(2), 117(2), 76, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in short is that co-accused including the petitioner have assaulted the father of the informant by various means. It is also alleged that mother of the informant was also assaulted in an attempt to save her husband.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-09-2024. Petitioner bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is no specific allegation against the petitioner, allegation is general and omnibus in nature. Though injury is found to be grievous in nature. It is next submitted that injury attributed by the petitioner is not on vital part, hence Section 109 of the BNS is not made out against the petitioner. No incriminating article has been recovered from the petitioner's possession. Parties are agnates and they are next door neighbours. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that informant in his re-statement has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail



bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rupau P.S. Case No. 49 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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