

In the Court of Sessions Judge, Saran at Chapra.

Bail Petition No. - 1692/2023.

Autar Nagar P.S. Case No. 208/2023.

Rahul Singh @ Rahul Kumar Singh.

.....Petitioner-accused.

Versus.

State of Bihar.

..... Opposite Party.

Counsel for the petitioner : Sri Brij Shankar Singh, Advocate.

Counsel for the State : Sri Surendra Nath Singh, P.P.

23.08.2023.

This is a petition for regular bail filed on behalf of petitioner-accused **Rahul Singh alias Rahul Kumar Singh** who is accused in connection with Autar Nagar P.S. Case No. 208/2023 registered u/ss. 342,323,307,379,504,506/34 I.P.C. He is in custody since 16.07.2023.

Heard the learned counsel for the petitioner and the learned P.P. for the State and perused the contents of the F.I.R., photostat copy of the case diary and record of the learned court below.

Informant Sanjit Singh has filed this case against four accused persons including the petitioner alleging that on 13.07.2023 his uncle Ram Pravesh Singh and aunt Chinta Devi due to serious illness, called him and his brother Jagbir Singh. When they went there, they saw that their nephew co-accused Jai Prakash Singh and his family members had closed the house. The informant called the doctor and got his uncle and aunt treated and cleaned their bodies. On 14.07.2023 around 5.30 P.M. when he went to his uncle with medicine and Rs. 5,000/- to give them, the accused persons were sitting there having Farsa, Garasi, rod, Fasul and sword in their hands. Co-accused Jai Prakash Singh ordered his son petitioner Rahul Singh to kill the informant on which he (petitioner Rahul Singh) caused injury with Farsa on his head but in a bid to ward off the blow he sustained injury below his eye. In the meantime, co-accused Poonam Devi gave blow with Fasul on his eye which hit on his fore head. Co-accused Jai Prakash Singh started assaulting him with rod. He fell down and on his cry when his cousin brother Jagbir Singh came to rescue, the accused persons also assaulted him. Admist co-accused Rohit Singh snatched gold chain from the neck of the informant and petitioner Rahul Singh took out Rs. 20,000/- from his pocket.

The learned counsel appearing on behalf of the petitioner submitted that the petitioner is quite innocent who committed no offence. He has no criminal antecedent. Both parties are Pattidars having land dispute. The informant wants to grab land of Ram

Pravesh Singh who is uncle of the petitioner and for said reason this case has been filed with false and frivolous allegations. The injuries found on the person of the informant do not corroborate the allegation of causing the same with Farsa and Fasul i.e. sharp cutting object. Moreover, the injuries found on the person of the informant are simple in nature. So, the offence u/s. 307 I.P.C. is not made out. The allegation of theft is super addition and the other offences are bailable. The petitioner is in custody since 16.07.2023. Under such circumstances, he may be released on bail.

The learned P.P. opposed the prayer for bail of the petitioner.

Thus, the allegation against the petitioner is to have caused injury with Farsa below the eye of the informant. He also sustained injury on his fore head with at the hand of co-accused Poonam Devi who is said to be caused the same with Fasul. The injury report of the informant vide para 27 of the case diary shows lacerated wounds on left eye, right eye brow, abrasion of left elbow, swelling with pain around left eye and whole body pain. None of the above injuries appears to have been caused by sharp cut weapon like Farsa and Fasul. Opinion of the injury found around his left eye is swelling with pain. The injuries found on the person of injured Jagbir Singh vide para 28 of the case diary abrasion and pain with swelling, simple in nature. The allegation of theft appears to be of flimsy nature. Both parties are said to be Pattidars having some sort of land dispute. Para 3 of the bail petition and para 16 of the case diary show that the petitioner has no criminal antecedent. He is in custody since 16.07.2023. So, considering the above facts and circumstances of the case, submissions made on behalf of the petitioner and period of his custody, this bail petition is allowed. Now, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the court below.

(Dictated)

Sessions Judge, Saran.
23.08.2023.