

Arising Out of PS. Case No.-741 Year-2018 Thana- KHAGARIA District- Khagaria

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Jai Kishor Poddar, Advocate

The allegation as per the FIR is that the dispute had been going on between the informant and the petitioner since long. It is alleged that the petitioner along with two others came and assaulted the informant and others over the dispute of damaging 'Naad'. It is alleged that Shivam Kumar fired on the informant but missed. Thereafter, Dilkhush Kumar fired four times but again missed. Thereafter, it is alleged that on the order of this



petitioner all of them assaulted the informant and two others by iron rod, lathi and Khanti.

It is submitted by learned counsel for the petitioner that the informant and the petitioner are agnates, there is case and counter case between the parties and from the injury report of the informant it would transpire that all the injuries, except one bruise injury on the left shoulder of the informant, are simple in nature. It is further submitted that only the role of order giver has been assigned to the petitioner.

Learned counsel for the informant opposed the application of bail stating that the petitioner is not only named in the FIR but there is direct allegation of assault against him and as a result of he being an order giver and the assault by the accused persons, serious injuries were inflicted on the informant as also Binod Singh. As such it is prayed that the application for bail be rejected.

Application of bail has also been opposed by the learned APP for the State.

Heard learned counsel for the parties. Taking into consideration that there is case and counter case between the parties, the role assigned to the petitioner is of an order giver and that the petitioner is in custody since 18.03.2019, the Court



is inclined to enlarge the petitioner on bail. The petitioner named above is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Khagaria in Khagaria (Mufassil) P.S. Case No. 741 of 2018.

(Partha Sarthy, J)

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