

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62069 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- BIHARIGANJ District- Madhepura

Narayan Ram, Son of Late Kishan Ram, Resident of Village - Gamail Ward
no.5, P.S.- Bihariganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar
For the Opposite Party/s : Mr.Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-12-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail in connection with Bihariganj P.S. Case No.12 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 447, 323, 324, 307, 354, 379, 380, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and the informant both are co-sharer and they are next-door neighbour. It is submitted that with regard to the alleged occurrence on 10.01.2019 there is a case and counter case. Counter case has been lodged by co-accused of this case who has given a different version of the story, however it is the case of both sides that there had been some dispute over right to way/rasta and as one



of the parties was creating obstacle in the movement, both parties indulged in the alleged occurrence. In the counter case also there is an allegation that the informant's side of this case had assaulted the petitioner's side and had injured some of them.

Learned counsel for the petitioner submits that in this case although the allegation against this petitioner is that of giving a Bhala blow in the chest of the husband of the informant, the injury report does not provide the nature of the injuries and the opinion has been kept reserved. It is further submitted that in course of investigation the injured has not made specific allegation against this petitioner.

Learned APP for the State has read out the case diary and submits that in paragraph 6 the statement of the injured Vidyanand Ram has been recorded who has made general and omnibus allegations against 13 named accused persons but there is no specific allegation of giving Bhala blow against this petitioner.

Considering the facts and circumstances of the case wherein there is a case and counter case, both the parties have indulged in free fight and the injured of this case has not taken specific name of this petitioner and the petitioner is in custody since 19.07.2019, charge-sheet has already been filed and the investigation is complete, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen



thousand) with two sureties of the like amount each to the satisfaction of Shri Abhimanyu Kumar, learned J.M., 1st Class, Udakishunganj, District-Madhepura, in connection with Bihariganj P.S. Case No.12 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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