

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11194 of 2021**

Arising Out of PS. Case No.-53 Year-2019 Thana- DANDKHORA District- Katihar

MADAN KUMAR ARYA Son of Late Nand Prasad Arya Resident of Village-
Souriya, P.S.- Dandkhora, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Advocate
For the Opposite Party/s : Ms.Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-07-2021

. In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Dandkhora PS Case No. 53 of 2019 registered under Sections 323, 341, 379, 147, 149, 307, 504 and 506 of the IPC.

There is allegation that the petitioner has participated in the assault being perpetrated by several accused persons upon the informant.

It is submitted by learned Counsel for the petitioner that specific allegation of knife blow has been leveled against other co-accused who has since been allowed bail. Against the petitioner, there is general and omnibus allegation of assault by lathi and danda. Petitioner's implication is by virtue of being brother of Mukhiya. Based on political consideration the petitioner has been made accused in at least four other cases, all of which have been lodged by



same prosecution party or their family members. Under such circumstances the petitioner continues to be in custody since 17.11.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Katihar in Dandkhora PS Case No. 53 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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