

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11186 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- BHAGWANGANJ District- Patna

Fekan Lal male, aged about 65 years, Son of Late Bakhori Lal Resident of Village - Karawan, P.S.- Bhagwanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lallu Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Bhagwanganj PS Case No. 14 of 2020, instituted for the offence under Sections 302/34 of the Indian Penal Code.

5. There is allegation that the instant petitioner along with his two sons, namely, Sonu Kumar and Sharwan Kumar and his wife, namely, Shanti Devi have assaulted the mother of the informant over a trivial dispute. The parties are said to be 'Gotiya'. The informant's mother has succumbed to the injuries sustained.

6. The learned counsel for the petitioner submits that the



petitioner is aged about 65 years. Even as per the FIR, specific assault is alleged against the petitioner's two sons, namely, Sonu Kumar and Sharwan Kumar. Petitioner and his wife, namely, Shanti Devi have been implicated by virtue of their being agnates though they are not responsible for any assault on the person of the deceased. The implication is based on extraneous consideration being a land dispute. The petitioner is in custody since 24.01.2020. His wife Shanti Devi @ Gyanti Devi has been allowed bail in Cr. Misc. No. 34244 of 2020.

7. The learned APP representing the State has opposed the prayer for bail. It is submitted that there is also an allegation of assault against the petitioner.

8. Considering the rival submissions, let the petitioner, above named, be released 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 **Additional Sessions Judge 1st Civil Court, Masaurhi, Patna,** in connection with **Bhagwanganj PS Case No. 14 of 2020, Sessions Trial No. 266 of 2020,** 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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