

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11022 of 2021

Arising Out of PS. Case No.-290 Year-2019 Thana- RAMNAGAR District- West Champaran

Nripendra Kumar @ Nupendra Kumar aged about 21 years Son of Bunna Mahato Resident of Village- Diulia Bhabhani, Police Station- Ramnagar, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-08-2021 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.

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.

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

The petitioner seeks bail in Ramnagar PS Case No.290 of 2019, instituted for the offence under Sections 341, 323, 324,307 and 379/34 of the Indian Penal Code.



The informant has stated that her cow was tied in front of the house. The accused persons have objected to the same. Thereafter, they have assaulted the informant and her family members. Against the petitioner, there is allegation that he has given '*Farsa*' blow on the head of the informant's husband (Sambhu Prasad).

The learned counsel for the petitioner submits that a scuffle had taken place based on land dispute between the prosecution parties and the accused persons, who are agnates. There is a counter version to the alleged occurrence to be found in Ram Nagar P.S. Case No. 292 of 2019 lodged by the petitioner's mother. Both sides have sustained injuries in the occurrence and the allegation of assault by '*Farsa*' on the head of Shambhu Prasad is not corroborated by the injury report which has been found to be a lacerated skin deep wound on the head of Shambhu Prasad caused by hard and blunt substance. He has no criminal antecedents and he is in custody since 07.12.2020.

The learned APP, representing the State, has opposed the prayer for bail. Referring to the case diary, he submits that material has come to show that there was a free fight between both sides based on land dispute and that several persons have



received injury on both sides.

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 Chief Judicial Magistrate-1st Bagaha, West Champaran,** in connection with **Ramnagar PS Case No. 290 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)

shyambihari/-

U		T	
---	--	---	--

