

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14471 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- PIPRA District- Supaul

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Santosh Kumar @ Santosh Yadav Son Of Digambar Yadav Resident Of
Village - Kataiya Ward No. -11, P.S. - Pipra, District - Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha,Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-09-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Parmeshwar Mehta, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Pipra P.S. Case No. 204 of 2020 registered for the
offences punishable under Sections 147, 148, 149, 323, 324, 325,
307, 447, 379, 504, 506 of the Indian Penal Code. He is in custody
since 03.08.2020.

As per the prosecution story, the petitioner's side and the
informant's side both were claiming a piece of land and while
ploughing the said field the alleged occurrence took place. In the
alleged occurrence, this petitioner is said to have assaulted one
Shyam Kumar and Arjun Yadav of the prosecution side. Shyam

Kumar has sustained altogether six injuries on his body. The Primary Health Centre, Pipra recorded that injury nos. 5 and 6 are grievous in nature, however, learned counsel points out that when the Medical Board was constituted and the injuries were examined, the Medical Board has recorded that the injuries mentioned in P.H.C., Pipra report are correct but should be treated as simple in nature (Annexure '3/2').

Learned counsel further submits that so far as injury caused to Arjun Yadav is concerned, it is alleged against two co-accused and those are simple in nature.

Learned counsel further submits that in connection with the alleged occurrence there is a counter case also giving rise to Pipra P.S. Case No. 207 of 2020. The petitioner's side has also received injuries, therefore, it appears that both the sides have indulged in free fight and assaulted each other. It is, thus, submitted that co-accused Chotelal Yadav has been granted bail by this Court in Cri. Misc. No. 10877 of 2021 and Pitambar Yadav has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 13417 of 2021. The petitioner has remained in custody for over one year and he has got only one criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. The injuries mentioned in the case diary have been pointed out to this Court, however, the Medical Board's opinion as contained in Annexure '3/2' has not been controverted,

considering that the petitioner has remained in custody for over one year and there is a counter case also, this Court directs release of the petitioner on bail above named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI Supaul in connection with Pipra P.S. Case No. 204 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.