

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14809 of 2021

Arising Out of PS. Case No.-109 Year-2017 Thana- BISFI District- Madhubani

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BHOGENDRA RAM Son of Tilai Ram Resident of Village - Garhaul, P.S.-
Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv

For the Opposite Party/s : Mr. Anuj Kr. Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-08-2021 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 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 connection with Bisfi P.S.

Case No. 109 of 2017 registered under Sections 147, 148, 149,

341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The petitioner and four others were waiting in ambush



and have surrounded the informant. Allegation is of indiscriminate assault. Specific “*fersa*” assault is alleged against the petitioner; upon the informant.

The learned counsel for the petitioner submits that one complaint case has been lodged by the wife of the petitioner alleging loot of agricultural produce of the petitioner. As a sequel to the said complaint case (annexure 2) the instant FIR has been lodged. The entire prosecution case is false and fabricated. The simple injury opined by the medical report appears to have been sustained in a free fight between the parties based on subsisting dispute. The same does not corroborate the allegations levelled under Section 307. Petitioner having no criminal antecedent is in custody since 21.10.2020.

Learned APP has opposed the prayer for bail. It is submitted that there is specific allegation against the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner’s counsel. 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 Additional Chief Judicial Magistrate-I, Benipatti (Madhubani) in Bisfi P.S. Case No. 109 of 2017 , 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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