

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18126 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- PASRAHA District- Khagaria

Jivesh Kumar @ Jibo Kumar, aged about 32 years (Male) Son of Jai Prakash Yadav Resident of village - Piparpanti, P.S. - Pasraha, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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

2 26-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

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.

The petitioner seeks bail in Pasraha PS Case No. 60 of 2020, GR No. 2019/2020 instituted for the offence under Sections 341, 323, 447, 379, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that six accused persons including the petitioner have come to the house and they have assaulted the informant and her family members. There is allegation of snatching of ornaments also.



Petitioner's counsel submits that against the petitioner there is specific allegation that he has fired which has hit the pillar causing gun powder injury on the arm of the informant. The other co-accused persons, against whom, there was allegation of indiscriminate assault were allowed anticipatory bail. The petitioner has remained in custody since 08.12.2020. The parties are agnates and the dispute has occurred over a disputed claim over land and property. He has no criminal antecedents. The other co-accused Dilip Yadav and Shankar Yadav have been allowed anticipatory bail in Cr. Misc. No. 4956 of 2021 and all other co-accused persons have since been enlarged on bail.

The learned APP representing the State has opposed the prayer for bail.

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 bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria, in connection with



Pasraha PS Case No. 60 of 2020, GR No. 2019/2020, 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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