

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18615 of 2021**

Arising Out of PS. Case No.-361 Year-2019 Thana- CHANPATIA District- West Champaran

Arjun Patel, Son of Baidyanath Patel @ Baidyanath Raut, R/O-Village-
Brindawan Ashram, P.S.- Kumarbag O.P. (CHANPATIYA) District - West
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rabindra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 361
of 2019 registered for the offence punishable under Section 341,
323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

As per the prosecution story, learned counsel for the
petitioner submits that on perusal of the First Information
Report itself it would appear that the alleged quarrel had taken
place on account of cutting of the paddy crop, the petitioner is

said to be one of the persons who had assaulted the informant's side but so far as the allegation against this petitioner is concerned, he is said to have assaulted one Tulsi Mahto by an iron rod near the left side of the ear which has caused injury.

Learned counsel further submits that the learned Sessions Judge has wrongly recorded that the petitioner had assaulted by Farsa on the head of the informant. It is submitted that the assault by Farsa has been specifically attributed to co-accused Suraj Patel and not to this petitioner, therefore, the injury caused to the informant may only be attributed to the co-accused Suraj Patel.

Learned counsel further submits that so far as the head injury is concerned that might have been caused due to fall on the ground but in the F.I.R. there is no allegation that the petitioner had assaulted on the head.

Mr. Rabindra Kumar, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case in which the dispute has taken place on account of cutting of crops, the petitioner has been attributed an iron rod assault said to have been caused near the left ear of the injured Tulsi Mahto and there is no allegation of assault on the head, the petitioner has

no criminal antecedent and has remained in custody for about eight months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 361 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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’.