

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22728 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- VAISHALI District- Vaishali

AKHILESH KUMAR Son of Lakshman Singh Resident of Village-
Narainpur, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Natraj Verma, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar -1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-10-2021 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar – 1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Vaishali P.S. Case No. 294 of 2020 registered
for the offence under Section 341/323/324/325/307/379/504/506
/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that he was doing the work of fisheries in his pond and Raju
Singh and other accused persons used to fishing daily, on
protest, they told that they are fishing in their land. On
02.09.2020, there was a panchayati in which he was present
with his son and nephew, when the panchayati began, in the
meantime, Raju Singh @ Rajeshwar Singh started abusing and
assaulted the informant by means of Farsa and ordered to his



son to assault all the persons. In the meantime, when his son came to save him then Chandan Kumar and Akhilesh Kumar assaulted him by pistol butt on his head but in the process his hand was fractured. The informant further alleged that a golden chain and Rs. 55,000/- were snatched and all his family members were injured due to assault by lathi, danda and rod.

Learned counsel for the petitioner submits that there is a case and counter case from both the sides and both sides have suffered injuries, so far as this petitioner is concerned, he has remained in jail in connection with this case since 14.11.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the materials on the record that the allegation against the petitioner is that of giving assault by pistol butt on the head of the son of the informant which was saved but in the process the hand was fractured, the submission being that there is a case and counter case from both the sides and both sides have suffered injuries, so far as this petitioner is concerned, he has remained in jail in connection with this case since 14.11.2020, investigation against him is



complete and he has otherwise no criminal antecedent, this Court directs release of the petitioner above-named on bail on furnishing of 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, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 294 of 2020, subject to the condition 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

