

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23632 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- CHANDI District- Nalanda

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KUNDAN KUMAR Son of Shailendra Singh Resident of Village - Dayalpur,
P.S.- Chandi, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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

2 02-09-2021 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Chandi P.S. Case No. 09 of 2021
registered for the offences punishable under Sections 447, 341,
323, 325, 307, 504, 506/34 of the Indian Penal Code. He is in
custody since 07.01.2021.

As per the prosecution story, this petitioner had
assaulted the informant on his head and when his cousin brother
came to save him, he was also assaulted. The co-accused
Gunjan Kumar, Tanikan Singh and Sonu Singh had also

assaulted the prosecution side.

Learned counsel for the petitioner submits that in fact there is a counter case of the alleged occurrence lodged on the same date by this petitioner and on perusal thereof (Annexure '2') it would appear that this petitioner had been assaulted by the prosecution side of the present case and the petitioner has suffered three injuries on his body including one on the forehead.

Learned counsel submits that there are injuries from both sides and considering this aspect of the matter that they are co-villagers and the scuffle seems to have taken place on some petty issues, the petitioner has otherwise no criminal antecedent and has remained in custody for approximately 8 months, his prayer for bail may be considered.

Learned APP for the State has opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, the fact that there is a counter case as well and the injury reports on the record are indicating the assault by both the sides and further that the petitioner has no criminal antecedent and he has remained in custody for about eight months, this Court directs release of the petitioner above named on bail 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., Hilsa (Nalanda) in connection with Chandi P.S. Case No. 09 of 2021, 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'.