

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24031 of 2021**

Arising Out of PS. Case No.-138 Year-2019 Thana- CHHABILAPUR District- Nalanda

Sako Rajbanshi, Son of Sadhu Rajbanshi, R/O Village-Duhai Suhai, P.S.-
Chhabilapur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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

2 03-12-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Chhabilapur P.S. Case No.138 of 2019 registered for the offence
punishable under Sections 341, 323, 504, 506, 307, 354, 379, 34
of the Indian Penal Code.

The specific allegation in the F.I.R. is of
indiscriminate assault by the accused persons, including the
petitioner, over a dispute regarding asserting right over
agricultural produce in the farmland.

Counsel for the petitioner submits that at the spur of
the moment, occurrence has taken place. While asserting right



over the agricultural produce, the petitioner has falsely been implicated in this case. Based on such subsisting dispute regarding title of the land in question and having no criminal antecedents, the petitioner is stated to be in custody now since 03.12.2020. Referring to photo copy of the injury report (Annexure 2), the petitioner's counsel further submits that the injuries attributed to the petitioner are simple in nature.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submission 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.

Accordingly, 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 Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif, in connection with Chhabilapur P.S. Case No.138 of 2019, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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