

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31462 of 2021

Arising Out of PS. Case No.-669 Year-2020 Thana- BIHTA District- Patna

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FUTUN KUMAR @ SANTOSH KUMAR S/o Sunil Mistri R/o village-
Amhara, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chittranjan Sinha, Sr. Advocate
For the Informant	:	Mr. Sunil Kumar Pathak, Advocate
For the State	:	Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-12-2021 Heard Mr. Chittranjan Sinha, learned senior counsel

for the petitioner, Mr. Sunil Kumar Pathak, learned counsel for

the informant and Mr. Vinod Shankar Modi, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Bihta
P.S. Case No. 669 of 2020 registered for the offences punishable
under Sections 447, 341, 323, 354, 307, 504 and 506 read with
Section 34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is
that the petitioner allegedly tried to outrage the modesty of the
sister of the informant and in that process assaulted her by an
iron rod, due to which, the informant's sister lost her right eye.

Learned senior counsel for the petitioner submits that



both the parties are distantly related and are neighbours and there was dispute with regard to land. Learned counsel further submits that there was a quarrel between the children, due to which, both the parties got involved in the fight and there is case and counter case inasmuch as Bihta P.S. Case No. 670 of 2020 has been instituted by the side of the petitioner against the informant and others, for an occurrence, which has taken place on the same date and time. Learned counsel next submits that the petitioner is in custody since 12.10.2020.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioner has assaulted the 21 years victim girl, due to which, she has completely lost her right eye and the Doctor has opined the requirement of stone eye in the right eye of the victim girl. Accordingly, the submission is that the petitioner does not deserve the privilege of bail.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that both the parties are neighbours and relatives, there is case and counter case between them and the petitioner is in custody since 12.10.2020, I am inclined to grant regular bail to the petitioner **after framing of charge**.



Accordingly, let the petitioner, above named, be released on regular bail, **after framing of charge**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Distt. Patna, in connection with Bihta P.S. Case No. 669 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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