

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30373 of 2021

Arising Out of PS. Case No.-395 Year-2020 Thana- SHERGHATI District- Gaya

Uday Prajapat @ Uday Prajapati S/O- Late Pulis Prajapat @ Rameshi Prajapat Resident of Village - Hunterganj, P.S. - Hunterganj, District - Chatra (Jharkhand). District - Gaya wrongly typed in impugned order.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Pd. Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 21-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sherghatti P.S. Case No. 395 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and later on, Section 302 of the I.P.C. was also added.

As per the prosecution case, the informant alleged that on 16.08.2020 at about 8:00 AM, due to some land dispute, all the accused persons including this petitioner came at his house with lathi danda, iron rod, bricks and stones and started abusing his father and assaulted him and when informant came to rescue his father, co-accused Dharmendra Prajapati assaulted with Sabbal on the head of father of the informant, due to which, his



father sustained injury and fell down. It is further alleged that when mother and elder brother of the informant came there to rescue him, they were also assaulted by the accused persons.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Admittedly, there is land dispute between the parties. Specific allegation of giving assault by *Sabbal* on the head of father of informant, who later on died, is against co-accused Dharmendra Prajapati. So far as this petitioner is concerned, it is alleged that he assaulted the brother of informant, but injury caused to him is simple in nature. There is case and counter case and present case is counter blast of the case filed by son of the petitioner, vide Annexure – 3 to the petition. Similarly situated co-accused Subhashprajapti @ Subhash Prajapati @ Subhash Kumar has already been granted bail by a coordinate Bench of this Court, vide order dated 03.08.2021 passed in Cr. Misc. No. 7051 of 2021. Petitioner is in custody since 21.01.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.C.J.M., Sherghatti (Gaya) in connection with Sherghatti P.S. Case No. 395 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

