IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34774 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- DANDARI District- Begusarai

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Rohit Kumar @ Rohit Rajak Son of Tuntun Rajak Resident of Village- Tetri, P.S.- Dandari, District-Begusarai.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.S.K.Lal
Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Asalam Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 28-09-2021 At the outset, learned counsel for the petitioner submits that initially, the petitioner alongwith two co-accused namely Tuntun Rajak and Chotu Rajak had moved before this Court by filing Cr.Misc. No. 9042 of 2021 for grant of anticipatory bail, however; during pendency of the case, petitioner was arrested on 04.02.2021 and as such, the anticipatory bail petition has become infructuous. But in spite of repeated efforts, the anticipatory bail petition could not be withdrawn by the petitioner.

Heard the parties.

The petitioner seeks bail in Dandari P.S. Case No. 75 of 2020, registered for the offence under Section 307 & other allied Sections of the Indian Penal Code.

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As per the prosecution case, all the FIR named accused persons including this petitioner variously armed assaulted the informant and his family members. This petitioner is alleged to have assaulted Shankar Yadav (brother of the informant) by *Dabiya*.

It is submitted on behalf of the petitioner that actually, petitioner and informant are neighbours and dispute over a passage was going on since long between the parties. On 26.06.2020, the informant side assaulted the petitioner and others and as such, S.C./S.T. P.S. Case No. 26 of 2020 under the SC/ST Act was lodged against informant side and as a counter blast, the present case has been lodged. It is further submitted that as per injury report, the injury, which is alleged to have caused on Shankar Yadav, has been found to be simple in nature. Petitioner has got clean antecedent and he is in custody since 05.02.2021. Chargesheet has already been submitted.

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

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each to the satisfaction of learned A.C.J.M.-V, Begusarai in connection with Dandari P.S. Case No. 75 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.
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> (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.)

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