

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37614 of 2021

Arising Out of PS. Case No.-137 Year-2018 Thana- ASANWA District- Siwan

SONU KUMAR S/O SANESH PASWAN R/O VILLAGE-SHIVPUR
SAKRA, P.S-ASSAON, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar
For the State	:	Mr. Anand Kishore Choudhary
For the informant	:	Mr. Ajay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Assaon Police Station Case No. 137 of 2018, registered for the offences punishable under Sections 341/323/324/379/307/448/504/506/302/34 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 12.10.2020, passed in Criminal Misc. No. 26482 of 2020, giving liberty to the petitioner to renew his prayer for bail after six months from the date of the order.

The allegation against the petitioner, as per First



Information Report, is that he assaulted the mother-in-law of the informant by means of farsha causing injury on her head. Later on, the mother-in-law of the informant succumbed to her injuries and subsequently, Section 302 of the Indian Penal Code was added.

Learned Counsel for the petitioner submits that there is land dispute between the parties. He further submits that there is case and counter case also between the parties inasmuch as the side of the petitioner has lodged Assaon Police Station Case No. 131 of 2018 against the informant and her family members and the First Information Report lodged by the side of the petitioner is prior in time and the present First Information Report has been lodged after a delay of 12 days. He further submits that the petitioner is in custody since 10.02.2020 and charge sheet has been submitted in this case and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence. He next submits that from perusal of the post mortem report, it appears that no external injury has been found on the dead body of the deceased corresponding to the allegation against the petitioner inasmuch as the allegation is of inflicting sword/farsha blow on the head of the deceased, but only two stitches have been found on the parietal region of the right



dorsal head.

On the other hand, learned Additional Public Prosecutor as well as learned Counsel for the informant oppose the prayer for bail of the petitioner and submit that the delay in lodging of the First Information Report has caused due to the fact that local police was not accepting the complaint of the informant and as such a written report was sent by the informant to the Superintendent of Police, Siwan and upon his instruction, the present First Information Report has been registered.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that there is case and counter case between the parties, the petitioner is in custody since 10.02.2020, charge sheet has been submitted in this case, the trial is not likely to be concluded in near future due to COVID-19 pandemic and this the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned 6th Additional Chief Judicial Magistrate, Siwan, in
connection with Assaon Police Station Case No. 137 of 2018.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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