

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34643 of 2020

Arising Out of PS. Case No.-149 Year-2020 Thana- MINAPUR District- Muzaffarpur

VIJAY PRASAD @ BIJAY PRASAD, Gender-Male, aged about 34 years,
Son of Late Kamal Bhagat, Resident of Village - Mustafaganj, P.S.- Minapur,
District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Upendra Kumar Chaubey, Advocate.
For the State	:	Mr. Jawahar Choubey, A.P.P.
For the Informant	:	Mr. Amit Kumar Rakesh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

A supplementary affidavit has been filed on behalf of the petitioner which has been kept on the record. In the supplementary affidavit, in paragraph no. 3, it has been mentioned that the petitioner has been made accused in two cases.

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case for the offence registered under Sections 447, 341, 323, 324, 307, 504 and 354/34 of the I.P.C.



The prosecution story, in brief, is that on 03.05.2020 the informant was present in her house and her three sons were eating food in the house, suddenly, the petitioner having *sword* in his hand reached at her door and started abusing her when she protested, the petitioner started beating her and torn her clothes. She has further alleged that when her sons, namely, Mithun Kumar and Niraj Kumar came to rescue her the petitioner attacked over them in which Mithun Kumar and Niraj Kumar received injuries and their hands were cut and they were admitted in S.K.M.C.H., Muzaffarpur for treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 06.05.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur, in connection with Minapur P.S. Case No. 149 of 2020.

(Sudhir Singh, J)

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