

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36106 of 2020

Arising Out of PS. Case No.-44 Year-2019 Thana- TARABARI District- Araria

AJAN SON OF LATE SALIM RESIDENT OF VILLAGE - JHAMTA
WARD NO. 12 P.S. - TARABARI, DISTRICT- ARARIA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Mithilesh Kumar Khare, APP Ms. Preety Kunwar, Advocate
For the Informant	:	Dr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-01-2021 Heard learned Senior Counsel for the petitioner, learned Counsel for the informant and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Tarabari PS Case No. 44 of 2019 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 427 and 504 of the IPC.

The allegation against the petitioner is of assault by means of farsa on the face of the informant.

Learned Senior Counsel for the petitioner submits that it was a free fight between the parties. The instant petitioner has also suffered injuries, which are manifest from the injury report (Annexure 5). The further submission is that there is also a counter version of the instant incident in Tarabari PS Case No. 45 of 2019 filed by the petitioner's side against the prosecution party. In that case the prosecution parties have been allowed bail. The petitioner



has no criminal antecedent and he is in custody since 14.8.2020.

Learned Counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that the assault attributed to the petitioner is corroborated from the injury report.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Araria in Tarabari PS Case No. 44 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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