

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39008 of 2020**

Arising Out of PS. Case No.-251 Year-2020 Thana- KESARIA District- East Champaran

Praveen Dash S/O Bhaju Dash Resident of Village - Trilokwa, P.S. - Kesariya,
District - East Champaran Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III,Advocate

For the Opposite Party/s : Mr.Dr.Kumar Uday Pratap,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kesariya P.S. Case No. 251 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(A), 354(B), 379, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that both the parties seem to have quarreled over some trivial issues, they have assaulted each other giving rise to case and counter case as contained in Annexures '1' and '2' being Kesariya P.S. Case No. 251 of 2020 and 252 of 2020 respectively.

As per the allegations, this petitioner has given a farsa blow upon the informant as a result whereof the informant suffered



injury beneath the posterior part of the right hand and altogether two injuries have been found on non-vital part of the body but one of them is grievous in nature.

It is his submission that considering the fact that both the parties have indulged in the scuffle and they have assaulted each other and further that the petitioner has remained in custody for over one year, the petitioner may be enlarged on bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, there being a case and counter case between the parties and the period of custody being more than one year, the petitioner has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3, Motihari, East Champaran in connection with Kesariya P.S. Case No. 251 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and
- (c) that such persons shall not directly or indirectly make and



inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

