

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39334 of 2020

Arising Out of PS. Case No.-182 Year-2020 Thana- MAJHAULIA District- West Champaran

PRABHUNATH TIWARY Son of Sudharshan Tiwary Resident of
Chhaurahiya, P.O Ratanmala, Ward No. 16, P.S.- Majhauria, District- West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 26-03-2021 Heard learned Counsel for the petitioner 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 Majhauria PS Case No. 182 of 2020 registered under Sections 341, 323, 324, 379, 307 and 506/34 of the IPC.

It is the prosecution case that while the informant was on his way and he reached near the house of co-accused Arjun Singh, he has been assaulted by the accused persons. The petitioner is alleged to have assaulted by "garasa" on his head. There is allegation of specific assault against other co-accused persons also.

It is stated by learned Counsel for the petitioner that in fact a scuffle had ensued. Both sides have sustained injuries, which have been found in course of investigation also. Petitioner's side has also lodged a counter version of the occurrence in Majhauria PS Case No. 195 of 2020. The injury report of the informant (Annexure 2)



shows the nature of injury to be simple in nature. Petitioner is in custody since 4.7.2020.

Learned APP has opposed the prayer for bail. He has submitted that the informant has sustained altogether six injuries. On perusal of the case diary, which has earlier been called for, she has not in a position to dispute the assertions made by the petitioner regarding injury being sustained by the accused persons. However it is submitted that the injuries are simple in nature.

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 CJM Bettiah, West Champaran in Majhauria PS Case No. 182 of 2020 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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