

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41115 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- DESARI District- Vaishali

=====

Kundan Kumar Son Of Jitendra Mahto Resident Of Village- Bajitpur Chak,
Kasturi, P.S. Desari (Sahdai O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar- Advocate
For the Informant	:	Mr. Sanjay Kumar Jha- Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2021 Heard Mr. Mukesh Kumar, the learned Advocate for

the petitioner, Mr. Sanjay Kumar Jha, the learned Advocate for

the informant and Mr. Surendra Prasad Singh, the learned APP

for the State.

The petitioner seeks bail in anticipation of his arrest in

connection with Desari (Shdai O.P.) P. S. Case No.221 of 2020,

instituted for the offences under Sections 341, 323, 324, 326,

307, 354, 504, 325, 506/ 34 of the Indian Penal Code.

All the accused persons including the petitioner are

said to have arrived at the house of the informant variously

armed but the actual accusation of assault is on other accused

persons. All the victims of this case have received injuries

which may look to be serious but have been reported to be of



simple nature. So far as the petitioner is concerned, there is no accusation of any overt act against him.

It has further been submitted on behalf of the petitioner that his aunt namely, Punam Devi has filed a case against the informant Nitesh Kumar and others for having displayed immoral behaviour with her. The further allegation in the aforesaid case is of assault on the family members of the aunt of the petitioner leading to injuries. The aforesaid case has been registered as Desari P. S. Case No.249 of 2020.

The learned Advocate for the petitioner has drawn the attention of this Court that the informant and the petitioner are next-door neighbours and for number of disputes between them, bad blood exists between them. So far as the petitioner is concerned, it has been repeatedly argued that there is no specific accusation against him.

The prayer for bail has been vehemently opposed on the ground that the specific accusation may not have been levelled against the petitioner but he has been shown to arrive at the house of the informant fully armed.

Be that as it may, regard being had to the fact that the petitioner is the next-door neighbour of the informant and there is no overt act attributed against him as well as the lodging of a



case by the aunt of the petitioner against the informant and others, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur in connection with Desari (Sahdai O.P.) P. S. Case No.221 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

