

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.878 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- BISFI District- Madhubani

BAIDYANATH JHA W/o Late Kamlakant Jha Resident of Village - Singhiya,
Ward No.8, P.S.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate.

For the State : Mr. Tapeswar Sharma, APP

For the informant : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Rakesh Singh, Advocate

Mr. Mithilesh Kumar Singh, Advocate

Ms. Meena Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 24-05-2021

In view of sudden resurgence of COVID – 19 infection there has been imposition of lockdown for the last couple of weeks, there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Bisfi P. S. Case No. 198 of 2020 registered for the offence under Sections 341, 323, 324, 307, 448, 379, 354-B, 504, 506 and 34 IPC.

It is alleged by the informant that being variously armed, the accused persons, including the petitioner, have entered her house, and have assaulted the informant, her daughter and her son-in-law. Specific allegation of assault to the son-in-law as well as the daughter is alleged against the petitioner. It is also alleged that the petitioner has tried to outrage the modesty and tore the clothes of the informant.



Learned counsel for the petitioner submits that the implication is on extraneous consideration. Earlier also the petitioner had been implicated at the instance of same prosecution party. The said case resulted in a closure under Section 320 Cr. P.C. From the materials collected during investigation it is apparent that the implication is on account of boring having been done by the petitioner on the land adjacent to the informant's house. The petitioner is accused in 6 other cases which are still pending. Submission is that in all the said cases he is on bail and in this case he is in custody since 01.08.2020.

Learned senior counsel for the informant submits that the petitioner has criminal antecedents and injuries have been corroborated during course of investigation. He however is not in a position to dispute that the injuries attributed to the petitioner have been found to be simple in nature. Learned APP has also opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM, 1st class, Benipatti, Madhubani, in connection with Bisfi P. S. Case No. 198 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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