

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.449 of 2021**

Arising Out of PS. Case No.-108 Year-2019 Thana- AAYAR District- Bhojpur

INDRAJIT KUMAR ALIAS INDRAJIT SAH ALIAS NANHAK SAH Son
of RAM KUMAR SAH Resident of Village - Harnahi, P.S. - Jagdishpur,
District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
Mr. Pranav Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 16-03-2021 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 Aayar PS Case No. 108 of 2019 registered under Sections 341, 323, 324, 326, 307, 504 and 506/34 of the IPC.

The petitioner, as per prosecution case, is owner of the Magic vehicle and has refused to allow the informant's son to travel in his vehicle which has led to scuffle between the parties. There is allegation of assault by repeated blows of knife on the informant's son.

It is submitted by petitioner's counsel that the scuffle has taken place as on the said date as there was a "Bihar Bandh" and limited plying of vehicles. In the scuffle by accident the informant's son has received injury, for which this false case has been lodged against the



petitioner. The two persons who have supported the prosecution case in para 27 and 28 of the case diary are friends of the victim and no independent witness has come to support the allegation though it is alleged that the occurrence was at a public place. The petitioner has no criminal antecedent and he is now in custody since 8.9.2020.

Learned APP has opposed the prayer for bail.

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 ACJM I Ara in Aayar PS Case No. 108 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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