IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2880 of 2021

Arising Out of PS. Case No.-188 Year-2019 Thana- SUPAUL District- Supaul

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AMAL KUMAR YADAV @ AMAL YADAV Son of Prit Lal Yadav @ Pritlal Prasad Yadav Resident of Village-Hardi Purab, Ward No.-1, Durgasthan, P.S. and District-Supaul

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr. Ganesh Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 12-03-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody since 03.09.2020 in connection with Supaul P.S. Case No. 188/2019 registered for the offences punishable under Sections 341/323/308/447/379/34 of the Indian Penal Code.

As per the prosecution case, on 23.03.2019 at around 05:00 p.m. while the informant was irrigating his field which is situated around 500 metres away from his house, the petitioner along with other accused FIR named accused persons, came armed with *Lathi, Danda* and *Far*sa assaulted them in which three persons have sustained injuries. It is further alleged that the petitioner also stanched mobile phone and wrist watch of the

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informant.

It is submitted on behalf of the petitioner that there is case and counter case between the parties and clash took place due to dispute of irrigation of land for which petitioner's side has also lodged an FIR against the informant's side i.e., Supaul P.S. Case No. 193/2019. It is further submitted that general and omnibus allegations have been levelled against this petitioner. Chargesheet has already been submitted in this case. Petitioner is in custody since 3.09.2020.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that injuries have been found to be grievous in nature.

Considering the general and omnibus allegation levelled against the petitioner and also the fact that the mar-pit took place in the background of dispute over the irrigation of land, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No. 188/2019, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be

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properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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