

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2254 of 2021

Arising Out of PS. Case No.-538 Year-2020 Thana- SUPAUL District- Supaul

1. Bijendra Yadav (Male) aged about 35 years, S/o Late Sita Ram Yadav R/o Village- Bairo Tola Palashpur Ward No. 13, P.S.- Supaul, District- Supaul
2. Babul Yadav @ Priyanandan Kumar (Male) aged about 19 years, S/o Sanjay Yadav R/o Village- Bairo Tola Palashpur Ward No. 13, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma, Adv.
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the informant	:	Mr. Md. Harun Quareshi, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Earlier, petitioner no.2, namely Babul Yadav @ Priyanandan Kumar has been granted bail by this court vide order dated 02.06.2021.

3. Heard learned counsel for the petitioner No.1, informant and learned counsel for the State.

4. The petitioner No.1 seeks bail in Supaul Sadar PS Case No. 538 of 2020, instituted for the offence under Sections 341,323,324,307,379,504,506/34 of the Indian Penal Code.

5. Learned counsel for the petitioner No.1 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.

6. Over a dispute regarding grazing of the goat in the field, it is alleged that petitioner No.1 along with others have attacked the informant and his family members by various means. Against the petitioner no. 1, there is allegation of assault by '*Farsha*' on the hand of informant's nephew.

7. The learned counsel for the petitioner No.1 submits that the parties are agnates. There is subsisting dispute between the parties and over a trivial issue the quarrel took place resulting injuries on both sides. The injury report, as per the case diary, shows that Santosh Kumar has sustained simple injury by a hard and blunt substance, the same belies the prosecution case by assault by means of '*Farsha*'. The petitioner no. 1 is in custody since 07.08.2020.

7. The learned counsel for the informant as well as learned APP representing the State have opposed the prayer for bail. They have submitted that the victim has been found to have sustained injury and the petitioner No.1 along with others have attacked the informant and his family members.

8. Considering the rival submissions, let the petitioner No.1, namely Bijendra Yadav 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 learned CJM, Supaul in connection with Supaul Sadar PS Case No. 538 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner No.1 who will give an affidavit giving genealogy as to how he is related with the petitioner No.1. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner No.1.



(ii) That the petitioner No.1 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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