

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2919 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- PHENHARA District- East Champaran

MUNTUN DAS Son of Tulsi Das Resident of Village-Chakarpeta, P.S.-
Phenhara, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 21.10.2020 in connection with Phenhara P.S. Case No. 44 of 2020 registered for the offences punishable under Sections 147/149/341/323/324/504/506 of the Indian Penal Code. Later on Section 307 of the IPC has been added.

As per the prosecution case, on 10.06.2020 at about 06.00 a.m., all the FIR named Accused persons including this petitioner and 25-30 unknown persons variously armed entered into the house of the informant and co-accused Tulsi Das started abusing and on protest, he ordered to kill him and this petitioner gave Farsa blow on the head of the brother of the informant causing cut injury as a result of which, he fell down. It is further alleged that co-accused Rama Shankar Das is said to have set



the hut on fire and co-accused Chulhai Das gave *bhala* blow on the head of Gauri Sahni.

It is submitted on behalf of the petitioner that petitioner is the close neighbour of the informant and the present case is the counter blast of Phenhara P.S. Case No. 43 of 2020 registered under Section 341/323/354(B)/504/506 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act which was lodged against the informant's side by the wife of the petitioner. It is further submitted that petitioner is alleged to have given *farsa* blow, but there is no allegation of repeated blow and the incident took place because of land dispute between the parties with regard to Aam Gairmazarua land. Petitioner has got no criminal antecedent and he is in custody since 21.10.2020.

Considering the aforesaid facts and circumstances and admittedly there is land dispute between the parties and the petitioner has clean antecedent and also because there is case and counter case between them, 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 CJM, East Champaran, Motihari, in connection with Phenhara P.S. Case No. 44 of 2020, subject to following



conditions:-

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