

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6130 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- SAHIYARA District- Sitamarhi

SANJAY KAPAR S/o Methur Kapar R/o Village - Pataniya Kot, P.S.- Reiga,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate.
For the Informant	:	Mr. Ashok Kumar Jha, Advocate.
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 354, 307
& 302 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with other co-accused armed
with various deadly weapons are said to have reached at the
door of the informant and told that as he is refusing to
compromise in the earlier case, bearing Title Suit No.140 of
2019 and Riga P.S. Case No.190 of 2019, they would finish the
matter today and rushed to assault the informant. When the
informant's wife and son rushed to rescue him, accused Pawan
Kumar assaulted the informant's son with lathi and he became



injured. They abused the informant's wife and tore her blouse. Another co-accused Ram Pratap Kapar pulling her hair threw her on the ground and thereafter co-accused Bishambhar Kumar and Nageshwar Rai assaulted her with fists and kicks. The allegation against the petitioner is of assaulting the son of the informant on his head by means of knife and other co-accused assaulted him with lathi and fatha.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, Title Suit No.140/2019 is going on between the parties and due to this reason the petitioner and his entire family members have been dragged in this false and frivolous case. There is case and counter case between the parties. Both the parties are closed agnates and due to land dispute free fight took place between them. Petitioner has also sustained injury in this occurrence. The petitioner has been languishing in custody since 16.08.2020.

Learned counsel for the informant and learned



APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sahiyara P.S. Case No.91 of 2020.

(Anjani Kumar Sharan, J)

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