

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7051 of 2021**

Arising Out of PS. Case No.-395 Year-2020 Thana- SHERGHATI District- Gaya

Subhashprajapati @ Subhash Prajapati @ Subhash Kumar, Son of Sri Uday Prajapat Resident of Village and P.S.-Hunterganj, District-Chatra (Jharkhand).
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Sinha, Advocate
For the State	:	Mr.Syed Mojibur Rahman, APP
For the Informant	:	Mr. Kamal Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sherghati P.S. Case No. 395/2020 registered for the offences punishable under Section 147, 148, 149, 323, 341, 307, 324, 504 of the Indian Penal code.

As per the prosecution story, the informant alleged that on 16.08.2020 at about 8:00 A.M. when he was at his home, due to some land dispute all the accused persons including this petitioner came there with Lathi, Danda, iron, bricks and stones and started abusing his father and assaulting him, thereafter the informant came there to rescue his father, co-accused Dharmendra Prajapati armed with Sabbal assaulted on the head of the father of the informant due to which he sustained injury

and fell down, when his mother and elder brother came there to rescue him they were also assaulted by the accused persons on the head of the mother of the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is a land dispute between the parties. Learned counsel submits that the specific allegation of causing assault on the head of the father of the informant who died later on is against co-accused Dharmendra Prajapati. So far as this petitioner is concerned he had assaulted the mother of the informant and the injury report of the mother discloses one simple injury suffered by her, however petitioner is in custody since 17.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the specific allegation of causing assault on the head of the father of the informant who died later on is against co-accused Dharmendra Prajapati, so far as this petitioner is concerned, he had allegedly assaulted the mother of the informant and the injury report of the mother discloses one simple injury suffered by her, there is a case and counter case

between the parties, they are said to have fought over the construction of house on a piece of land which the other party was claiming has Rasta, the petitioner has remained in custody in connection with the present case since 17.08.2020, investigation against him is complete, but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya, in connection with Sherghati P.S. Case No. 395/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.