

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14092 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- BAUNSI District- Banka

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Angrej Dom, Son of Late Hemu Dom, Resident of Village- Panda Tola
Bounsi, Police Station- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
		Mr. Ganesh Sharma, Advocate
For the Opposite Party/s :		Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bounsi P.S. Case No. 286 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

As per the prosecution case it is alleged that on 31.10.2020 while the informant was in his home, in the meantime, the petitioner and others came and on the instigation of this petitioner, co-accused Dinesh Dom gave Iron rod blow on the cheek of the informant, causing cut injuries. It is further



alleged that when the wife of the informant came to rescue co-accused Munni Devi and Laxmi Devi caught hold her and this petitioner gave Iron rod blow on her head causing grievous injuries.

It is submitted by the learned counsel appearing on behalf of the petitioner that with regard to the occurrence, which was taken place on 30.10.2020, the fardbeyan of the informant was recorded on 03.11.2020 and the substantive F.I.R. was instituted on 11.11.2020, but no plausible explanation for delay has been given. It is further submitted that in fact on account of some trifling matter a free fight has taken place between both the petitioner and the accused persons, due to which the persons of both sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained on the petitioner's side. It is also alleged that prior to the institution of this case one of the co-accused Dinesh Dom had instituted Banka P.S. case no. 277 of 2020 on 01.11.2020 itself and this case has been instituted later on after making a false allegation against the petitioner. It is further submitted that though from the injury report, it appears that the injury sustained to the wife of the informant is grievous in nature, but admittedly there is no repetition of blow and moreover there was a free fight between the parties. It is



lastly submitted that the petitioner is in custody since 05.12.2021 having fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he has instigated the others and he also assaulted the wife of the informant from the Iron rod causing grievous injuries.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there was a counter version of the present case and from the tenor of the F.I.R. it appears that a free fight has taken place between both the sides and moreover the petitioner is in custody since 05.12.2021 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 286 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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