

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15459 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- LALGANJ District- Vaishali

=====

LAKSHMI SINGH Son of Late Umesh Singh Resident of village -
Pachdamiya, P.S.- Lalganj, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner, who is in custody since 30.01.2022, seeks

regular bail in connection with Lalganj Town P.S. Case No. 10 of
2021 dated 07.01.2021, for the offence punishable under Sections
147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that the informant and

the petitioner are neighbors and they had dispute regarding passage.
Accused persons named in the FIR came armed with weapons and
started assaulting the informant and the petitioner's side also resorted
to assault the informant side.

Learned counsel appearing on behalf of the petitioner

submits that on the alleged date of occurrence scuffle took place

between both the parties with regard to passage and in course of the



said incidence both the parties were armed with weapon started assaulting each other. There is case and counter case. Annexure 3 series relates to Lalgang P.S. Case No. 23 of 2021 dated 20.01.2021 which was lodged by the petitioner's side after the present FIR dated 07.01.2021. The petitioner for own defence on this spur of the moment had assaulted the victim without any intention.

Shri Ajit Kumar appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner. Injury sustained on the body of the father of the informant is grievous in nature. On the other hand, the petitioner's side also sustained grievous injury but the FIR is dated 20.01.2021.

Having heard the rival submissions of the parties, perused the F.I.R. and materials on record, it appears that both the parties have dispute relating to common passage and some hindrances were caused by the informant's side. The parties indulge in fight and in course of the said incidence out of the spur of the moment the father of the informant sustained one injury and the said injury is grievous in nature and same is corroborated from the injury report FIR is against 11 persons and against all there is general and omnibus allegation of assault is not specific against the petitioner. Petitioner has made out a prima facie case to be released on bail. Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IX,



Vaishali at Hajipur in connection with Lalganj P.S. Case No. 10 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

minu/-

U		T	
---	--	---	--

