

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19147 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- KHAGARIA District- Khagaria

JAYANT SINGH @ JAYANT KUMAR @ JAYANT KUMAR SINGH S/o
Late Vidya Singh R/o village- Sanhauli, P.S.- Chitragupt Nagar, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar Singh, Advocate.
For the Opposite Party/s :	Mr. Choubey Jawahar, APP.
For the Informant :	Mr. Praveen Kumar Agrawal, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner, Mr. Praveen Kumar Agrawal, learned counsel for the informant as well as Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Khagaria P. S. Case No. 10 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 307, 354, 325 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on



04.01.2022 at about 04:00 P.M., while the informant along with her son were at the house of Indu Devi, in the meantime, all the F.I.R. named accused persons including this petitioner variously armed with entered into her house and started assaulting the son of the informant. It is alleged that co-accused Ankit Singh Chandel assaulted the son of the informant over his head by means of iron rod due to which he received serious injuries over his head, thereafter, this petitioner also assaulted the son of the informant over his neck and when the informant came to save her son the other co-accused persons assaulted her and also dragged her outside the house and disrobed.

Learned counsel appearing on behalf of the petitioner submitted that admittedly there is land dispute between the parties and in fact, there was a free fight, which took place between both the parties resulting into injuries to the members of both the sides. It is further submitted that there is specific allegation that the son of the informant was assaulted by co-accused Ankit Singh Chandel over his head and thereafter, this petitioner also assaulted, which hit on his neck, however, the injury report, which has been brought on record by way of annexure 2 to the application suggests that only one injury has been found over the head of the injured. It is next submitted that



there is a counter version of the present case being Khagaria P. S. Case No. 11 of 2022 in which the members of the petitioner's side have also received injuries, however, the prosecution has failed to explain the injuries sustained over the members of the petitioner. It is also submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. It is lastly submitted that this petitioner is in custody since 24.01.2022 and after completion of the investigation, the charge sheet has been submitted.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he assaulted over the neck of the injured causing grievous injury. It is further submitted that there are multiple criminal antecedent of the petitioner as mentioned in paragraph 3 to this application. The similar submission has also been made by the learned APP for the State and he also draws the attention of this court towards the impugned order as well as paragraph 51 of the case diary, which would suggest that the injured has sustained injury over the neck, which would found to be grievous in nature.

Having considered the submissions made on behalf of the parties and taking into account the injury report which



suggests that only one injury has been found over the frontal region of the head and no other injury except pain in neck, has been found and moreover, the injury is attributed against co-accused Ankit Singh Chandel, apart from the aforesaid fact the investigation of the crime is already completed and the charge sheet has been submitted and this petitioner is in custody since 24.01.2022, let the petitioner, above named, 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, Khagaria in connection with Khagaria P. S. Case No. 10 of 2022, subject to the condition that one of the bailors will be the close relative 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.

- (v) 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 cancelling 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.

It is expected that the learned trial court will take all necessary endeavor to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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