

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19379 of 2022

Arising Out of PS. Case No.-432 Year-2021 Thana- ARWAL District- Jehanabad

Vijay Khalifa (male) aged about 35 years, son of Shiv Ratan Khalifa Resident of Village - Prasadi English, P.S. - Arwal, District - Arwal (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Ranjan Pd. Singh, Advocate.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP.
For the Informant	:	Mr. Manoj Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with Arwal P.S. Case No. 432 of 2021 lodged under Sections 341, 323, 307/34 of the Indian Penal Code.

As per the prosecution case, informant was sitting at his house alongwith his wife, then the petitioner alongwith 3 other accused persons reached there. Allegation upon the petitioner is to attack on the wife of the informant by iron rod, in result informant's wife become injured, thereafter the other accused persons have snatched gold chain.

Learned counsel for the petitioner submits that informant and the accused side are *Gotiyaa* and are resident of same village. He further submits that the date of occurrence was 17.11.2021 whereas the present case has been lodged on 21.11.2021. He further submits that on pity matters the dispute has taken place which resulted into the injury of the informant's wife. He further submits that petitioner is in custody since 24.01.2022, chargesheet has already been filed and petitioner have no criminal antecedent. On the point of injury, learned counsel for the petitioner submits that case diary has been called for and as per the case diary injury was shown as simple in nature.

Learned counsel for the State opposes the prayer for bail and submits that there is a direct allegation against this petitioner to assault the wife of the informant, but as per page no.17 of the case diary, the injury is simple in nature.

Learned counsel for the informant appeared in this case and vehemently opposes the prayer for bail and submits that the wife of the informant was admitted to AIIMS where the doctor of AIIMS during treatment found the injury to be grievous in nature.

In the present facts and circumstances of this case and

the submissions made above and also considering the period of custody, let the petitioner above named, be granted 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, Arwal in connection with Arwal P.S. Case No. 432 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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