

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23898 of 2022

Arising Out of PS. Case No.-937 Year-2021 Thana- KUDHNI District- Muzaffarpur

Vijay Kumar Baitha, Son of Late Ram Dula Baitha, Resident of Village-
Kishanpur Madhuwan, P.S.- Kurhani, Distt.- Muzaffarpur.

... .. 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. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 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. Anil Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kurhani P.S. Case No. 937 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 07.12.2021 while the informant was ploughing wheat, in the meantime, the petitioner, his wife and daughter came there and assaulted him by lathi, Danda and Iron rod. The petitioner assaulted the informant by spade over his head, due to which he



sustained head injury.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence, which took place on 07.12.2021, the present F.I.R. has been instituted on 20.12.2021, after a lapse of 13 days. It is further submitted that both the petitioner and the informant are full brothers and there is admitted land dispute between the parties. It is next submitted that there is no repetition of blow, inasmuch as from the F.I.R. it is evident that none of the accused persons, including the petitioner, were having the spade in his hand, but surprisingly the allegation has been levelled that the petitioner assaulted the informant by means of spade. It is lastly submitted that the petitioner is aged about 62 years and is in custody since 23.12.2021 having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that there is delay in lodging the F.I.R., apart from the fact that both the petitioner and the informant are own brothers and there is admitted land dispute and the petitioner is in custody since 23.12.2021 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 Additional Chief Judicial Magistrate,-I, Muzaffarpur (West) in connection with Kurhani P.S. Case No. 937 of 2021, 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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