

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22894 of 2022

Arising Out of PS. Case No.-322 Year-2020 Thana- CHOUTARWA District- West
Champaran

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Heera Sonar, Son of Nathuni Sonar, R/o- Ratwal, P.S.- Chautarawa, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Manaur Alam, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 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 Md. Manaur Alam, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chautarava P.S. Case No. 322 of 2020 for the
offences punishable under Sections 341, 323, 324, 307, 379,
504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on
16.08.2020 at 08.30 AM when the informant came outside from
his house, he saw that the petitioner's father was throwing dirty
water from his drainage, thereupon the informant tried to stop



him from doing so. Thereafter all the accused persons started abusing and it is alleged that the petitioner assaulted the informant by means of Farsa over his head.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly there is land dispute between the petitioner's and informant's family and they are agnates. It is next submitted that there is a case and counter case, being Chautarva P.S. case no. 323 of 2020, instituted by the mother of the petitioner. It is next submitted that even as per the allegation, this petitioner had caused farsa blow over the head of the informant, but there was no repetition of blow. It is next submitted that co-accused Arjun Sonar, having identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No.18000 of 2021 vide order dated 14.07.2021, the copy of which has been annexed as Annexure-2 to this petition. It is lastly submitted that the petitioner is in custody since 15.12.2021 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 assaulted the informant by means of Farsa over his head, causing grievous



injury.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no repetition of blow and moreover there was free fight between the parties, which resulted into the injuries in both sides and one of the co-accused, having identical allegation, has already been granted bail by the learned coordinate bench of this Court, apart from the fact that the petitioner is in custody since 15.12.2021 having clean 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, Bagaha, West Champaran in connection with Chautarava P.S. Case No. 322 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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