

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22921 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

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Ankush Kumar Son Of Anil Prasad R/O Village- Thori Pandeypur, P.S.-
Murar In The District Of Buxar. At Present Resident Of Mohalla- Baba Nagar,
Buxar, P.S.- Buxar In The District Of Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Heard Mr. Sunil Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Nitya Nand Tiwari, learned

Additional Public Prosecutor of the State

Petitioner seeks bail in a case registered in connection
with Buxar Muffasil P.S. Case No. 253 of 2021 for the offences
punishable under Sections 341, 323, 324, 325, 354(B), 379, 307,
504, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
12.07.2021, the informant along with his family members went
to Buxar and the father of the informant asked from accused
persons as to why, they are torturing his daughter, whereupon
the accused persons named in the F.I.R armed with iron rod and
Rami started assaulting them. It is also stated that this petitioner



assaulted the father of the informant by Rami as a result of which, he received head injury. It is also alleged that other accused persons snatched valuables of the informant's sister and are also assaulted them.

Learned counsel appearing on behalf of the petitioner submits that prima facie, it is evident that there is a matrimonial dispute between the parties which resultant into an altercation and a free fight has been taken place. It is next submitted that from the impugned order, it is evident that the injury found on the person of the injured, as discussed by the learned court below appears to be simple in nature and moreover, there is no allegation against the petitioner that he repeatedly assaulted the victim or any other person. It is next submitted that this petitioner is in custody since 21.02.2022 having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation against the petitioner that he assaulted the father of the informant.

Having heard the rival contentions of the parties and taking into consideration the fact that there is a matrimonial dispute between the parties which resultant into scuffle, apart



from the fact that injury is simple in nature . Moreover, the petitioner is in custody since 21.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar Muffasil P.S. Case No. 253 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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