

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29203 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- BUXAR District- Buxar

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Kali Charan @ Kali Charan Verma S/o Late Sumeshwar Prasad R/o village-
Ambedkar Chouk, Buxar, P.S.- Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Buxar (Town) P.S. Case No. 170 of 2022, lodged under Sections
341, 323 and 326(a)/504 of the Indian Penal Code read with
Section 37(2) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per the prosecution case, the informant has alleged
that the nephew of the informant reached the house of the
informant and started assaulting the informant and his daughter
and it has been also alleged that the petitioner has also thrown
acid on the informant's side. Allegation of consumption of wine
is also against the present petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned

counsel also submits that informant and petitioner are the *agnates* and there is a dispute for the property between them. Learned counsel further submits that the entire allegation is false and states that on the same date, place and time, two F.I.Rs. have been lodged. One F.I.R. has been lodged from the informant's side which is against the petitioner and others and another F.I.R. has been lodged by the daughter of the petitioner which is against the informant's side. And it transpires that there is open fight took place between them and allegation of throwing acid through bottle are, against each other, in the F.I.Rs., due to which both sides were injured. Learned counsel further submits there are two cases pending against the petitioner but all belongs to Excise Act, in which he is on bail. Learned also submits that he is in custody since 21.03.2022 and charge-sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise

Court No. 01, Buxar in connection with Buxar (Town) P.S. Case No. 170 of 2022, 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 be resulted into cancellation of his bail bond.

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

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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