

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41302 of 2021**

Arising Out of PS. Case No.-12 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

Kamli Bind @ Kamleshwary Bind Son of Mithu Bind Resident of Village-
Basgadha, Bind Toli, P.S.- Medini Chowki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 07-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with
Mednichowki P.S. Case No. 12 of 2019 instituted for the
offences under Sections 341, 323, 324, 302, 504, 506 and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.01.2021, charge-sheet has been
submitted in the case and has antecedent of two cases out of
which in one case the petitioner has been acquitted. Learned
counsel submits that in the supplementary affidavit
inadvertently it has been recorded that petitioner had earlier
moved before this Hon'ble Court vide Cr. Misc. No. 41302 of
2021 which is pending. Learned counsel submits that Cr. Misc.



No. 41302 of 2021 is the present case but inadvertently it was recorded in paragraph '2' that the petitioner has moved earlier filing a regular bail.

Learned counsel for the petitioner submits that informant alleges that on account of dispute relating to cutting of grass with nephew, the husband (deceased) of the informant was assaulted by the named accused persons. It is further alleged that on orders of Kamli Bind (petitioner), accused Shobha Devi assaulted the deceased with iron *khanti* on his head leading to fracture and blood started oozing and he fell on the ground and thereafter Dharamraj Bind, Badelal Bind along with their mother assaulted the informant and her daughter with *lathi* causing injury and the deceased was declared brought dead by the hospital.

Learned counsel for the petitioner, at the outset, at the cost of repetition again submits that he had not moved earlier before this Court nor any bail with regard to the petitioner except for the present case is pending.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that it was on account of a land dispute that the occurrence took place and as far as this petitioner is concerned,



it is alleged that on his orders, Shobha Devi assaulted with iron *khanti* on the head of the deceased leading to fracture, as such it is submitted that assailant is Shobha Devi.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 04.01.2021, charge-sheet has been submitted in the case and the petitioner is alleged to be the order giver, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Lakhisarai in connection with Medini Chowki P.S. Case No. 12 of 2019.

(Satyavrat Verma, J)

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