

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42592 of 2021

Arising Out of PS. Case No.-333 Year-2021 Thana- MADHEPURA District- Madhepura

=====

MUKESH KUMAR S/O LATE VIJAY KRISHNA YADAV R/O COLLEGE
CHOWK, WARD NO.03, POLICE STATION-MADHEPURA, DISTRICT-
MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar, Advocate

Mr. Ram Priya Sharan Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 18.04.2021, seeks
regular bail in connection with Madhepura P.S. Case No. 333 of
2021 registered for offences punishable under Sections 341,
323, 307, 379, 427, 504/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Prosecution case, in brief, is that on 17.04.2021 at
about 3:00 p.m., when the informant started to build his house
on his own land. In the meantime, Police, Madhepura came



there and told that he has to go with them with full documents of his land. Informant went out to police station with them. Informant's brother and family members went to his house to bring his land's documents then the present petitioner along with 10-15 unknown persons came there and started abusing and assaulting with *lathi*, *danda* and other weapons. On the order of Mukesh Kumar (petitioner), one Mithu Kumar fired on the informant three to four times with intention to kill. One bullet hit on his right thigh. Mukesh Kumar Yadav hit on the head of the informant's brother Dilip Kumar with iron rod three to four times causing head injury and blood started oozing out. On hearing *hulla*, nearby people came there, after seeing them they were fled away. They had snatched Rs. 10 to 12,000/- from his pocket and one golden chain from brother of the informant. Thereafter, they were went out to Sadar Hospital, Madhepura doctor has referred to Darbhanga Medical College for better treatment.

Learned counsel appearing on behalf of the petitioner submits that there is admitted land dispute between the petitioner and the informant side. There is only allegation against the petitioner is that he has used hard and blunt object due to which one Dileep Kumar sustained simple injury as it



would appear from the injury report annexed as annexure-2 to the bail application. He further submits that petitioner has clean antecedent and he is in custody since 18.04.2021 and there is no likelihood of trial being concluded soon. The petitioner be enlarged on bail.

Learned counsel appearing on behalf of the informant along with learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner is the order giver and there is direct allegation against him in the F.I.R. however, the injury is simple in nature.

Considering the facts and circumstances of the case, the petitioner having no criminal antecedent as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 333 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

