

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46367 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- KARTAHA District- Vaishali

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Banti Kumar @ Gautam Kumar Yadav, S/o Shri Raghuwansh Rai, Resident of
Yadunaipur, Chandwara, P.S.- Kartahan, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 19-07-2022 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 Mr. Rohit Mishra, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kartahan P.S. Case No. 20 of 2021 registered
for the offences punishable under Sections 341, 342, 323, 324,
307, 354, 504/34 of the Indian Penal Code. Later on Section 302
of the Indian Penal Code was added.

As per prosecution case, it is alleged that on
16.03.2021 while the informant was putting shade on his
ancestral land, in the meantime, co-accused Arvind and this
petitioner came and objected the same. It is further alleged that
soon thereafter the co-accused Raghuwansh Rai and his wife



came and started abusing, which was protested, thereupon all the accused persons including this petitioner armed with Garasa and Farsa assaulted the informant and others, due to which they received injuries and during the course of treatment the wife of the informant died.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence, which was taken place on 16.03.2021, the present F.I.R. has been instituted on 18.03.2021 and, moreover, there is general and vague allegation. It is further submitted that both the parties are pattidars and admittedly land dispute is pending, which resulted into free fight between the parties and the petitioner's side also received injuries, however, when the concerned police has not registered the F.I.R., written application was sent to the Superintendent of Police, Vaishali on 20.03.2021. It is further submitted that the death was not intentional, rather the same was accidental and on account of free fight, the wife of the informant fallen on a hard substance and due to which she sustained injuries. It is also submitted that this petitioner is in custody since 04.04.2021 having fair antecedent and now the charges have already been framed on 16.06.2022.

On the other hand, learned APP for the State opposes



the bail application and submits that there is specific allegation against this petitioner that he assaulted the wife of the informant.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, as also the delay in lodging the F.I.R. as well as the fact that there was free fight between the parties, which resulted into the injuries to both sides and now the charges have been framed and this petitioner is in custody since 04.04.2021 having fair 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Kartahan P.S. Case No. 20 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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