

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38336 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- SIRDALA District- Nawada

Sagar Kumar, Son of Ram Sharan Mistri, R/o Village- Pathra, P.S.- Sirdala,
Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Sinha No.2, Advocate Mr. Uttam Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Alok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2022 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. Santosh Kuamr Sinha No.2, learned counsel for the petitioner, Mr. Alok Kumar, learned counsel for the informant, and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sirdala (Meskaur) P.S. Case No. 259 of 2021 registered for the offences punishable under Sections 341, 323, 504, 506, 308/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 17.06.2021, at about 4.00 PM, all the F.I.R. named accused persons, including the petitioner, came to his house and it is specifically alleged that



this petitioner gave Khanti blow over the shoulder of the informant and also threatened with dire consequences. Other allegations have been levelled against other co-accused persons also.

Learned counsel appearing on behalf of the petitioner submits that in fact the present case is nothing, but a counter blast to the earlier case instituted by the mother of the petitioner being Sirdala (Meskaur) P.S. Case No. 258 of 2021 wherein the informant of the present case is made accused and it is he, who assaulted the petitioner due to which the informant sustained injuries over his head. He next submits that from the tenor of the F.I.R., it would be evident that a Khanti blow has been received over the shoulder of the informant, however, no grievous injury has been found. He next submits that the petitioner, having fair antecedent, is in custody since 28.04.2022, and now after completion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner assaulted the informant by means of Khanti and also threatened with dire consequences.

Regard being had to the submissions made on behalf



of the parties and considering the nature of allegation as also the period of incarceration, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada in connection with Sirdala (Meskaur) P.S. Case No. 259 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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