

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38141 of 2022

Arising Out of PS. Case No.-256 Year-2019 Thana- BISFI District- Madhubani

Md. Chand @ Kamran Son of Late Abdul Kamal, Resident of Village -
Bhairwa, Police Station- Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 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 as well as learned counsel for the informant
through virtual mode.

The petitioner seeks regular bail in connection with
Bisfi P.S. Case No. 256 of 2019, lodged under Sections 341,
323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

As per prosecution, the case has been filed against 9
named accused persons. Allegation of making assault, abuse and
theft in furtherance of common intention is there in the F.I.R.

Learned counsel for the petitioner submits that from
the content of F.I.R. it is there that the informant side and
petitioner side are neighbourer and resident of same village and

there is alleged to be a dispute going on between both the parties, the F.I.R. also indicates that with a view to resolve the dispute the measurement was made by *Anchal Amin* in the presence of Police officials but parties are not reached to settlement and in result, scuffling takes place between the parties and for the same date and time of occurrence F.I.R. has been lodged from both the sides being a case and counter case. Learned counsel for the petitioner further submits that injury took place to both the sides. He further submits that two co-accused persons have already been granted bail by the Coordinate Bench of this Court vide orders dated 13.01.2020 & 10.07.2020 passed in Cr. Misc. Nos. 71211 of 2019 & 22010 of 2020.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioner side who are not law-abiding and, if bail shall be granted they will again start creating dispute and another occurrence may took place.

Learned counsel for the petitioner in response to same submits that petitioner is in custody since 14.03.2022 and one

case is pending against the petitioner, and he is on bail in the said case, he undertakes that no such wrong shall take place again.

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 Additional Chief Judicial Magistrate-I, Benipatti, District Madhubani in connection with Bisfi P.S. Case No. 256 of 2019, 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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