

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49372 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KHAJAULI District- Madhubani

LALU KUMAR S/O MAHESHWAR YADAV R/o village- Ward No. 11,
Biraul, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham, Advocate.

For the Opposite Party/s : Mrs.Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Khajauli P.S. Case No. 105 of 2020 for the offence punishable
under Sections 341, 323, 324, 307, 354B, 379, 448, 380, 504
and 506/34 of the Indian Penal Code.

The prosecution story, in brief, is that due to land
dispute between the parties, the petitioner along with other
accused persons abused the informant and assaulted her. When
her husband came to rescue her, the petitioner assaulted her
husband by means of iron rod, as a result of which, he sustained



injury on his head and survived. Other accused persons also assaulted several other persons in the occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. There is case and counter case between the parties due to land dispute. He further submits that the present incident took place out of the spur of the moment as the petitioner in his defence resorted to such act. Petitioner is in custody since 14.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner knowingly assaulted the victim on his head with an intention to kill him, as such the petitioner does not deserve to be released on bail.

Having heard the rival submission of the parties and considering the fact that there is case and counter case between the parties due to land dispute and the present incident took place out of the spur of the moment as the petitioner in his defence resorted to such act and inadvertently the victim received iron blow on his head and sustained head injury which he survived, petitioner has clean antecedent and is in custody since 14.06.2021, there is no allegation of tampering with the



evidence or influencing the witnesses and trial is not likely to be concluded soon, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Jhanjharpur, Madhubani in connection with Khajauli P.S. Case No. 105 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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