

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50887 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Gautam Kumar, Son of Ganesh Tanti Resident of Ward No. 5, Kamruddin
Ulao, P.S.- Muffasil (Singhaul), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-03-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Begusarai Muffasil (Singhaul) P.S. Case No. 63
of 2021 for the offences under Sections 147, 148, 149, 341, 323,
324, 504, 307 and 447 of the Indian Penal Code.

The prosecution case is that while the informant was
doing some work in his house then all the accused persons
named in the F.I.R. including this petitioner variously armed
came to his house and started abusing, which was protested by



the informant then all the accused persons assaulted the informant. It is further alleged that Gautam Kumar assaulted the informant on his head with Axe due to which he received serious injury.

It is submitted on behalf of learned counsel for the petitioner that though there is allegation of assault from the Axe, yet the injury report as contained in Annexure-3 to the petition does not support the prosecution case inasmuch as the injury has been found to be lacerated and simple in nature. It is further submitted that there is land dispute and for the same occurrence another F.I.R. bearing Begusarai (Singhaul) P.S. Case No. 68 of 2021 has been registered at the instance of Dinesh Tanti, the elder brother of the petitioner. It is further submitted on behalf of the petitioner that the petitioner is having clean antecedent and he is in custody since 05.03.2021 and charge-sheet has already been submitted in this case and there is no chance of absconding of the petitioner and tampering with the evidence.

On the other hand, learned APP very fairly submits that the injury report does not support the prosecution case and admittedly there is land dispute.

Having considered the submissions made on behalf of the petitioner as well as learned APP and also taking into the



account the fact regarding the land dispute and clean antecedent of the petitioner, 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil (Singhaul) P.S. Case No. 63 of 2021 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond will be cancelled by the Court below.

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

(Harish Kumar, J)

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