

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41691 of 2022

Arising Out of PS. Case No.-425 Year-2021 Thana- BELAGANJ District- Gaya

Sandeep Kumar @ Santosh Kumar @ Sandip Kumar Son of Late
Madheshwar Singh Resident of Village - Pranpur, P.s.- Belaganj, and Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No2, Advocate
For the State	:	Mr. Rajesh Kumar, APP
For the Informant/s	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as
learned counsel for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with Belaganj
P.S. Case No. 425 of 2021 registered for the offences punishable
under Sections 307, 323, 341, 354, 379, 504, 506 and 34 of the
Indian Penal Code.

As per the prosecution, the informant has alleged
that he had informed the owner of the land (petitioner) to take
his share of paddy (Dhaan) upon which this petitioner with other
co-accused persons came at the land and demanded the
informant's share also. Thereafter, upon protest made by



informant's wife the co-accused Sandip Kumar started assaulting her, in the meantime the other co-accused Aditya Kumar tried to fire at the informant but the bullet did not fire and then he attacked the informant with a knife inflicting knife injury to him and other co-accused Anamika Kumari also inflicted knife injury upon the informant, thereafter this petitioner assaulted him by means of Lathi. Further it is alleged that all the accused persons fled away after snatching a gold chain, a mangalsutra and earrings of the informant's wife.

The main submissions advanced by learned counsel Mr. Manish Kumar No. 2, appearing for the petitioner are that as per the prosecution the petitioner assaulted the informant by means of Lathi and the allegation of assaulting by means of knife is against co-accused persons and the FIR was lodged five days after the alleged occurrence and the petitioner has been languishing in jail since 20.02.2022 and against him there is criminal antecedent of one case in which he is on bail.

On the other hand, learned counsel Mr. Shailesh Kumar appearing for the informant and learned APP Mr. Rajesh Kumar appearing for the State have vehemently opposed the prayer for bail and submitted that the petitioner is habitual in creating dispute as well as assaulting the Bataidaars and the



informant sustained three injuries in which one has been opined to be grievous in nature and the same has been found on vital part of his body and there is criminal antecedent of one case against the petitioner also.

Heard both the sides and perused the FIR and the injury report of the informant filed as Annexure-2. As per the FIR the petitioner used lathi in assaulting the informant and there is no allegation of repeated blows by the petitioner while assaulting the informant and a dispute having been occurred in respect of the distribution of Paddy (Dhaan) crops in between both the parties is stated to be the genesis of the occurrence. Considering these facts and mainly taking into account the petitioner's custody period and the genesis of the occurrence, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Gaya, in connection with Belaganj P.S. Case No. 425 of 2021.

(Shailendra Singh, J.)

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