

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44314 of 2022

Arising Out of PS. Case No.-394 Year-2020 Thana- JHAJHA District- Jamui

SONU KUMAR, Son of Prayag Yadav, Resident of Village - Rajala , Purvi Tola, P.s.- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Nirmala Kumari, A.P.P.
For the Informant	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Jhajha P.S. Case No. 394 of 2020 registered for the alleged offences under Sections 341, 342, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and three other co-accused persons along with three unknown came to the doors of the informant and started abusing him. When the informant forbade them from doing so, they broke the doors of the informant and catching hold of him, assaulted him with

lathi danda, iron rod and sword. The informant, his brother and his son received injuries on their person. The allegation against the petitioner is that he gave a blow of iron rod on the head of the son of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is the own nephew of the informant and there is dispute over property and the informant has named him by making specific allegation of assault against his son. But there is no independent witness who might come forward to say about the assault caused by the petitioner to the son of the informant. Learned counsel further submits that the injury reports of the victims show that there injuries are stated to be simple in nature except one injury on the son of the informant which is a lacerated wound on parietal region of the scalp stated to be grievous. The co-accused persons have been granted bail by the learned court below. Charge sheet has been submitted in this case and the petitioner is in custody since 27.05.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State as well as learned counsel for the informant oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that

there is specific allegation against the petitioner that he hit on the head of the son of the informant and his injury is stated to be grievous and the same is on occipital bone of scalp.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 394 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of

the terms of the bail, the bail bond of
the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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