

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55699 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- RAJPUR District- Buxar

ANAND MOHAN Son of Rana Pratap Singh Resident of Village - Kocharhi,
P.S.- Rajpur, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 25-04-2022 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
Rajpur P.S. Case No. 264 of 2020 for the offence punishable
under Sections 341, 323, 504 and 307/34 of the Indian Penal
Code.

The prosecution story, in brief, is that when the
informant asked Rana Pratap Singh why he has assaulted his
nephew Govind Singh, to this he assaulted and abused him. In
the meantime, Ravishiv Singh, Anand Mohan (petitioner),



Manoj Singh, Anoj Singh and Sunil Singh armed with lathi and danda came there. The allegation against the petitioner is that he assaulted on the head of the informant due to which the victim/informant sustained injury on his head and fell on the ground.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Both the parties are agnates. There is case and counter case. In the alleged occurrence, petitioner has sustained five injuries. He has brought on record the injury report. The family members of the informant had also assaulted the petitioner and his family members. The petitioner had no alternative, then he in his private defence, without any intention unknowingly caused injury to the informant. The petitioner is in custody since 07.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner submitting that the petitioner with an intention to kill the informant assaulted him causing injury on his head.

Considering the nature of allegation made in the F.I.R., material which has surfaced in course of investigation, admittedly occurrence took place due to land dispute, both sides have sustained injuries, petitioner has made specific statement



that in his private defence without any intention he unknowingly caused injury to the informant, petitioner is in custody since 07.08.2021, there is no allegation of tampering with the evidence or influencing the witnesses and trial is also not likely to be concluded soon, prima facie the petitioner has made out a case to be released on bail.

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, Buxar in connection with Rajpur P.S. Case No. 264 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.



The observation made in this order shall not affect the
conduct of the trial.

(Purnendu Singh, J)

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