

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58686 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- DUMRA District- Sitamarhi

CHITRANJAN KUMAR S/o Nagendra Rai R/o village- Hanuman Nagar,
P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pramod Kumar Sinha
For the Opposite Party/s :	Mr.Ram Sumiran Rai
For the Informant/s :	Mr. Pushpendra Kumar, Sr. Advocate Smt. Divya Bharti, Advocate, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Dumra P.S. Case No. 267 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, informant Fulo Devi submitted a written report that while she was talking with her daughter in-law Archana Devi, all of sudden petitioner and others came with lathi, danda and rod and assaulted the informant Archana Devi daughter in-law of informant with

intention to miscarriage, assaulted on stomach and back. As a result of which informant's daughter fell down and started blood was coming her body.

Learned counsel for the petitioner submits that petitioner bears no criminal antecedent and from the perusal of FIR itself, it appears that there is land dispute with them and father of the petitioner, Nagendra Rai has filed Title Suit No. 136 of 2021 against the informant namely Fulo Devi. It is submitted that Archana Devi daughter in-law examined by the Doctor and no external and internal injury was found and it is further submitted that as per medical report, Doctor found that one live Foetus and as per report who is aged 29 weeks and is peaceful condition. Charge-sheet has been submitted in the case and there is no chance of tampering the evidence. The petitioner is in custody since 10.08.2021.

The learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and material available on record as per medical report, no external and internal injury was found on the victim, daughter in-law of the informant and keeping in view the custody, let the petitioner above named be released on bail on furnishing bail bond of

Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 267 of 2021 subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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