

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59949 of 2021

Arising Out of PS. Case No.-176 Year-2016 Thana- PARSA District- Saran

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Dharmendra Kumar S/O Krishna Singh R/O Village-Kohra, Mathia, P.S-
Parsa, District-Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Dr. Indiwari Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-10-2022 Learned counsel for the petitioner is permitted to re-

move the defect(s), as pointed out by the office, within a period

of four weeks from today.

Heard Mr. Nawal Kishore Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Parsa P.S. Case No. 176 of 2016, for the
offences punishable under Sections 341, 323, 324, 307/34 of the
Indian Penal Code.

The prosecution case is based on the farbdayan of
informant alleging therein that on 19.09.2021 at about 9 O'clock
when the accused persons were fixing *Khoota* in her land to tie



their cattle and when the same was protested by the informant and her brother-in-law the petitioner and his father started assaulting with *Hasuwa* and *Daaw*, as a result of which the informant and her brother-in-law sustained serious injuries. It is further alleged that when the niece of the informant came to rescue, she was also assaulted by the accused persons.

It is submitted by the learned counsel appearing on behalf of the petitioner that though there is specific allegation leveled against the petitioner that he assaulted over the abdomen of the injured person, however, in course of medical examination no injury has been found over the abdomen. He further submitted that there is further omnibus allegation against both the accused persons, including the petitioner and so far as another accused person, namely, Krishna Singh is concern he has already been allowed privilege of bail by the court below itself. He also submitted that admittedly there is land dispute between the parties as is evident from the FIR itself and further there had never been any intention or attempt to cause the death of anyone. He also submitted that the petitioner having fair antecedent, is in custody since 26.07.2021, apart from the fact that the investigation of the crime is already complete and the charge-sheet has been submitted and he is ready to give under-



taking that he will fully cooperate during the trial.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that altogether eight injuries have been received by the injured and other family members are also sustained injuries over their body.

Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and fair antecedent of the petitioner, apart from admitted land dispute, 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 learned Additional Chief Judicial Magistrate, 9th, Saran at Chapra, in connection with Parsa P.S. Case No. 176 of 2016, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or in-



timidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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