

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60402 of 2021

Arising Out of PS. Case No.-83 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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Jaykishor Singh Son of Late Rampukar Singh Resident of Village - Rampur
Khajuriya, P.S. - Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the
petitioner, above named, who has been made accused and put
behind the bar in connection with Dumariyaghat P. S. Case No.
83 of 2019 registered for the offences punishable under Sections
341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
28.04.2019, while the informant was coming on bicycle, in the
meantime, this petitioner, Jaykishore Singh, pulled him by tying
a wire in his neck, in the result he fell down from the bicycle,
thereafter, it is further alleged that all the accused persons
including this petitioner assaulted the informant by means of



hard and blunt substance. It is also alleged that Rs. 1300/- and a watch have also been snatched from the informant.

Learned counsel appearing on behalf of the petitioner submits that both the parties are agnates and prior to the institution of this case, the petitioner had also lodged Dumariyaghat P. S. Case No. 12 of 2019 against the informant and others and as there is pending dispute with regard to the partition, both the parties are filing cases against each other. It is further submitted that the learned Court below, while rejecting the bail application of the petitioner has taken note of the injuries inflicted to the informant and out of three injuries, injury no. 1 and 3 are found to be simple in nature, so far injury No. 2 is concerned, the same has been shown to be over the neck but the nature has not been stated. It is further submitted that the investigation has been completed and the charge-sheet has already been submitted and there is no chance of absconding of the petitioner and tampering with the evidence. It is lastly submitted that the petitioner has been implicated in one another criminal case, which has also been lodged by this informant, wherein the petitioner is on bail.

On the other hand, learned APP for the State opposes the bail application and categorically submits that the



injury report corroborates the allegations made in the F.I.R.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that there is inimical terms between the parties and the injuries which have been shown in the impugned order have been found to be simple in nature, except one injury the nature of which has not been shown and this petitioner is in custody since 09.08.2021, let the petitioner, above named, 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 1st Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Dumariyaghat P. S. Case No. 83 of 2019, subject to the condition that one of the bailors will be the close relative 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 intimidate 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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