

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62190 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- AMNAUR District- Saran

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Pawan Singh @ Pawan Kumar Singh S/O Baban Singh R/O Village-
Pakandih, P.S-Amnour, District-Saran At Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kumari
For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Amnour P.S. Case No. 138 of 2021 registered for the alleged offences under Sections 149, 147, 323, 324, 325, 379, 427, 504 and 307 of the Indian Penal Code.

As per prosecution case, in the background of land dispute, the petitioner and other co-accused persons assaulted the informant and his family members with *rod, sword, machete and lathi* causing a number of injuries to them.

Learned counsel for the petitioner submits that land



dispute is admitted and the petitioner's side and informant's side are agnates. Title suit is going on between the parties vide Title Suit No. 713/2017 which is pending before the learned 3rd Munsif, Saran at Chapra. For the same occurrence, the brother of the petitioner has lodged Amnour P.S. Case no. 135 of 2021 and the instant case is a counter case. Learned counsel further submits that though there is allegation of sword blow by the petitioner on the head of the Vipul Kumar but the nature of injury is simple. Further, there is no repetition of blow so no attempt was made on life of any person. Charge sheet has been submitted in this case and the petitioner is in custody since 13.08.2021.

Learned counsel appearing on behalf of the informant as well as learned APP opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner gave sword blow on the head of the Vipul Kumar and a sharp cut injury on the head of Vipul Kumar has been mentioned in the injury report. However, he concedes the nature of injury is simple is stated in the injury report.

Having regard to the submission on behalf of the parties and considering the submission regarding injury on the head of the informant's son being simple and further



considering the submission of charge sheet as well as period of custody of the petitioner, 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 A.C.J.M. 9th Saran at Chapra in connection with Amnour P.S. Case No. 138 of 2021, 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 the person, who has sworn the affidavit.

(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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