

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51761 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- BARHARIA District- Siwan

Kedar Puri S/o Suraj Puri Resident of Village- Mananpura, P.S.- Barharia,
District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Mritunjay Prasad Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner seeks bail in a case registered in connection
with Barharia P.S Case No. 09 pf 2022 for the offences punishable
under Sections 341, 506, 323, 325, 307/34 of the Indian Penal Code.

The prosecution case is based on a written report filed
by the informant alleging therein that on 03.01.2022, when the
informant along with his elder brother Anuj Kumar @ Bullet had
gone to see his land, in the meantime, all the accused persons
including the petitioner armed with lathi/ iron rod surrounded them
and on the dictate of the petitioner, all the accused persons brutally
assaulted the informant and his brother.

Learned counsel appearing on behalf of the petitioner
submits that admittedly there is a land dispute between the parties



which resultant into case and counter case with regard to the same occurrence, wherein one Asha Devi had also instituted Barharia P.S.Case No. 18 of 2022 against the informant and others. He further submits that there is no specific allegation against the petitioner save and except, he being order giver dictated other co-accused persons to assault the informant and his brother. He next submits that though the allegation has been levelled against all the co-accused persons of causing assault but in course of medical examination, only two injuries have been found over the body of the informant, which are simple in nature and further two injuries have also been found on the body of the brother, out of which one is simple and another is grievous in nature, which has not been attributed to the petitioner. He lastly submits that the petitioner is a man of clean antecedent and is in custody since 29.06.2022.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that all the co-accused persons including the petitioner in furtherance of common intention brutally assaulted the informant and his brother causing grievous injury.

Regard being had to the submission made on behalf of the parties and considering the fact that no specific allegation of any overt act has been alleged against the petitioner and he is in custody since 29.06.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barhariya P.S Case no. 09 of 2022 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 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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