

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53043 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- HASPURA District- Aurangabad

SATYENDRA RAM Son of Ram Jatan Ram Resident of Village - Ahiyapur,
P.s.- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 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
Haspura P.S. Case No. 155 of 2022 registered for the offences
punishable under Sections 147, 149, 341, 323, 448, 307, 354,
436, 379, 504 and 506 of the I.P.C.

As per prosecution case, petitioners and others
entered into the house of informant Champa Kumari. It is
alleged that they started misbehaving and assaulting the
informant and her daughter and by putting Kerosene oil set fire
in house. It is alleged that co-accused Tinku Kumar put
Kerosene oil in her house and present petitioner ignited match



box. It is further alleged that Mangalsutra was also snatched from the neck of the informant. It is alleged that from the informant's side many persons sustained injury.

Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022. Petitioner bears one criminal antecedent which is lodged by Jay Bhagwan against whom petitioner's wife has already lodged a case, except this the petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the origin of dispute arises out from the fact that the petitioner's wife Kusum Devi being a Vikash Mitra was not ready to make payment of the latrine construction to one Jai Bhagwan without completion of the work and in that context Kusum Kumari, wife of present petitioner, lodged Haspura P.S. Case No. 89 of 2019 against Jai Bhagwan and others and Jay Bhagwan is own agnate of the informant. Learned counsel further submits that there is a case and counter case between both the parties on the same date of occurrence and both sides sustained injuries. Learned counsel further submits that petitioner's side sustained grievous injury and informant's side sustained simple injuries and Section 379 is super addition.



Learned counsel further submits that where there is a case and counter case, facts are generally exaggerated and there is a free fight between both the parties and allegation of Section 307, 436 and 354 are nothing but exaggeration of fact as well as super-addition in the light of facts and circumstances of case and counter version of both sides. Learned counsel further submits that the petitioner and informant are co-villagers and they are on litigating terms as the wife of petitioner has already filed a case against the agnate of the informant which is mentioned at Annexure – 2 of the bail petition.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, there is a case and counter case between both the parties for the same date of occurrence, free fight cannot be ignored, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 J.M. 1st Class, Aurangabad in connection with Harpura
P.S. Case No. 155 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission 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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