

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64384 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- BIKRAM District- Patna

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Vishal Kumar S/o Bipin Singh @ Vipin Kumar R/o Parariyawan, P.S.-
Bikram, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bikram P.S. Case No. 132 of 2020 lodged under Sections 341,
323, 504, 506, 325, 307/34 of the I.P.C.

As per the prosecution case, the criminal case has
been filed against 3 known persons. The cause of dispute is
relating to a nearby *nali*. The allegation against the present
petitioner is to attack by sword on the head of the informant.

Learned counsel for the petitioner submits that the
informant and the accused both belongs to same village and they
are neighbourer. It is evident from F.I.R. itself that this dispute
took place on a very petty issue. Learned counsel for the

petitioner further submits that on the same date of occurrence i.e. on 31.03.2022, there were 3 criminal cases filed between the parties i.e. Vikram P.S. Case No. 132 of 2020, 133 of 2020 and 134 of 2020, out of 3 cases, one case was filed by the informant side and 2 cases were filed from the petitioner side. Learned counsel for the petitioner further submits that both the parties are basically not a criminal rather simple village people. The injury took place from both the sides. He further submits that petitioner is in custody since 09.07.2021, charge sheet has already been filed in this case. There is one criminal case pending against the petitioner

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per the F.I.R. there is specific allegation against the petitioner to assault on the informant's head but it is nowhere mentioned in the F.I.R. about the intention of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Danapur, Patna in

connection with Bikram P.S. Case No. 132 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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