

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64266 of 2021

Arising Out of PS. Case No.-217 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Guddu Sah Son of Ambika Sah Resident of Village - Sassamussa, P.S.-
Kuchaikote, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Adv.

Mr. Jitendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 10-10-2022 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
Kuchaikote P.S. Case No. 217 of 2021, lodged under Sections
341, 323, 324, 307, 34 of the Indian Penal Code.

As per the prosecution case, the informant has lodged
the F.I.R. with allegation that in the morning of 31.05.2021 his
co-partioner (*Patidar*) (7 named accused persons) have started
assaulting the informant and his family members. The specific
allegation has been made against the present petitioner that he
assaulted the son of informant's uncle on his head, when
villagers gathered, they all fled away.

Learned counsel for the petitioner submits that from the content of F.I.R. it is very much clear that dispute is among the co-partioners of same family. He further submits that for the same date and place of occurrence there are 2 F.I.Rs., one is filed by the informant and another is filed by the petitioner. He further submits that injury is caused from both the sides and both the sides suffered grievous injuries. Learned counsel for the petitioner further submits that neither the petitioner nor the informant side are criminals, rather due to land dispute this open fight occurs. He further submits that antecedent of petitioner is clean and petitioner is in custody since 28.09.2021.

Learned counsel for the State opposes the prayer for bail.

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 Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 217 of 2021, 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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