

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54733 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- DULHIN BAZAR District- Patna

Sunil Kumar, Son of Siyaram Yadav, R/V- Acchua, P.S- Dulhin Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner has been selected for appointment on the post of Technician/Grade-III/DSL/ELEC./GOC of TPJ Division on Direct Recruitment quota through RRB, Chennai and the matter needs to be urgently heard so that the petitioner could not lose the opportunity of joining the service.

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

In the present case, the petitioner seeks bail in connection with Dulhin Bazar P.S. Case No. 129 of 2021, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

As per prosecution case, the petitioner, in the



background of some earlier dispute assaulted the informant with a *farsa* causing injury in his neck. When the cousin of the informant tried to save him, he was also assaulted.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and no occurrence as alleged has ever taken place. The parties are agnates and there is land dispute between them with regard to Plot No. 2428, Khata No. 18, Area 03 decimal. On the facts of the FIR, it appears the allegation is that of *farsa* blow, but there is no allegation of any repetition of the blow and the injury report shows the minor injury which is stated to be simple. There is no injury report of the cousin of the informant who was also assaulted as per the FIR. The co-accused Jairam Yadav, Uday Yadav @ Guddu Kumar and Mandal Yadav have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 57755 of 2021. The petitioner is in custody since 12.07.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that there is specific allegation against the petitioner that he gave *farsa* blow on the neck of the informant and the injury report corroborates the allegation.



Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of injury along with submission of charge sheet as well as period of custody of the petitioner and further considering the background of land dispute as submitted, he 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 Judicial Magistrate-1st Class, Danapur, Patna, in connection with Dulhin Bazar P.S. Case No. 129 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 a close relative of the petitioner.
- (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.

However, bail bond of the petitioner will be accepted provisionally by the learned trial court subject to verification of



the fact mentioned in first paragraph that the petitioner has been selected for appointment on the post of Technician/Grade-III/DSL/ELEC./GOC of TPJ Division on Direct Recruitment quota through RRB, Chennai.

V.K.Pandey/-

(Arun Kumar Jha, J)

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