

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68510 of 2021**

Arising Out of PS. Case No.-278 Year-2019 Thana- KAKO District- Jehanabad

JITENDRA KUMAR son of Ram Udeshay Prasad @ Ram Udeshay Yadav
Resident of Village - Devghara, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate
For the Informant	:	Mr. Rohit Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 325, 307, 379, 504
and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.03.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that the petitioner and his
brother Rahees Kumar intercepted him and abused and assaulted
as they were saying why he was fighting the case when his
Gumati is on the government land. Further, the brother of the



petitioner assaulted and damaged the motorcycle of the informant when he was going to the police station and when the family members of the informant came to save him, it is alleged that Satyendra Kumar assaulted the father of the informant by lathi on his head causing injury. The petitioner also assaulted the brother of the informant Ajay Kumar on his head and hand and Rahees Kumar assaulted the mother and sister of the informant and Jitendra Kumar snatched Rs.1200/- from his pocket.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation, it would manifest that the informant alleges that the occurrence took place on account of a shop being opened by the petitioner on a government land. Learned counsel submits that even presuming what has been alleged is true without admitting for the purposes of bail then it is the first offence of the petitioner and the blow was not repeated. It is submitted that no doubt the injury caused was grievous on the head of the brother of the informant. Learned counsel submits that similarly situated co-accused (Satendra Kumar) has been granted bail by order dated 07.07.2021 in Cr. Misc. No. 14305 of 2021.

Learned counsel for the informant and learned A.P.P.



for the State vehemently opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that there is specific allegation of assault against the petitioner on the brother of the informant but is not able to meet the submission of the learned counsel for the petitioner that the blow was not repeated and co-accused has been granted bail.

Considering the fact that the petitioner is in custody since 10.03.2021, is a person with clean antecedent, charge-sheet has been submitted, co-accused has been granted bail and it is the first offence of the petitioner, the petitioner, above named, is directed to 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 Court below where the case is pending in connection with Kako P.S. Case No. 278 of 2019.

(Satyavrat Verma, J)

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