

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23719 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- MAJORGANJ District- Sitamarhi

Hari Kishore Kumar @ Hari Kishore Ray Son Of Parshuram Rai @
Parasuram Rai R/O Village- Majorganj, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Majorganj P.S. Case No. 22 of 2021 registered on 09.02.2021 for the alleged offences under Sections 341, 323, 324, 307, 325, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons stopped the informant who was going to shop and started abusing him. When the informant forbade them from doing so, the petitioner and co-accused hit him on his head with iron rods. When the mother and the brother of the informant tried to save him, the petitioner fractured the hands of the mother and brother of the informant and caused other injuries as well. Further, allegation against the petitioner is that he gave



daab blow to the father of the informant in a separate occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are agnates and next door neighbours and there is land dispute between them. Some altercation with scuffle took place between them and as a result both sides sustained injuries and the FIR being Majorganj PS Case No. 21 of 2021 has been lodged for offences punishable under Sections 307 and other Sections of the IPC against the informant and others by the petitioner. Learned counsel further submits that injury sustained by informant's side are mostly simple in nature. However, the injury on the father of the informant is stated to be dangerous to life. But there was no repetition. Moreover, the injury report shows that it was a lacerated wound on occipital region and not any sharp cut injury as alleged against this petitioner. The mother of the petitioner has also lodged a FIR i.e. Majorganj P.S. Case. No. 213 of 2021 registered for the offences punishable under Section 307 and other Sections of the IPC as she and her family members were brutally assaulted by the informant and others. The petitioner is in custody since 16.02.2023 and charge-sheet has been



submitted.

5. Learned APP opposes the prayer for bail submitting that the specific allegation against this petitioner for giving *daab* blow to the father of the informant and also assaulting the informant with iron rod.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple injuries on the informant and others and also considering lacerated wound on the father of the informant which is not caused by any sharp cut weapon and further taking into consideration his period of custody and the submission of charge-sheet against him, the petitioner above named 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 Additional Chief Judicial Magistrate-I, Sitamarhi/court concerned in connection with Majorganj P.S. Case No. 22 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

(Arun Kumar Jha, J)

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