

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31744 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- SONO District- Jamui

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Arun Kumar @ Arun Yadav S/o Naresh Yadav Resident of Village - Tahkar,
P.S.- Charka Pathar, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Prakash Mahto, Adv.
For the Opposite Party/s	:	Md. Aslam Ansari, APP
For the Informant	:	Mr. Amardeep, Adv.
		Mr. Umesh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Prakash Mahto, learned counsel for the petitioner, Mr. Umesh Prasad, learned counsel for the informant and Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Sono (Charkha Pathar) P.S. Case No. 207 of 2021 registered for the offences punishable under Sections 341, 323, 379, 427 and 504/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 29.07.2021, while the



informant was sitting in his grocery shop, in the meantime, petitioner along with Naresh Yadav came there and assaulted the informant with axe over his head, on account of which, he sustained grievous injury. It has further been alleged that co-accused Naresh Yadav snatched the golden chain and also looted Rs. 27,000/- from the shop of the informant.

Learned counsel appearing on behalf of the petitioner submits that there is a counter version of the present incident, being Sono P.S. Case No. 208 of 2021 registered against three persons, including the informant of the present case, by the co-accused Naresh Yadav. He further submits that, in fact, on account of some trifling dispute, free fight took place between both sides resulted into lodging of the cases from both the sides and further persons of both sides had sustained injuries, however, the prosecution has not explained the injury sustained to the persons of the accused side. He next submits that though there is allegation that the informant was assaulted by means of axe and iron rod, but the injury report suggests only one injury, albeit it is grievous in nature. He also submits that so far as the co-accused Naresh Yadav is concerned, he has already been allowed anticipatory bail by a learned Co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc.



No. 6539 of 2022. He lastly submits that the petitioner is in custody for about one year having fair antecedent.

On the other hand, learned counsel for the informant while opposing the bail application submits that specific allegation has been levelled against the petitioner, who assaulted the informant by means of axe, which allegation has also been supported by the injury report and, moreover, injury has been found to be grievous in nature. He further submits that trial is going on and release of the petitioner would certainly hamper the trial.

Having regard to the submissions made on behalf of the parties and considering the fact that there is case and counter case alleging assault by both the parties on account of free fight between both sides and one of the co-accused persons has been allowed the privilege of pre-arrest bail coupled with the fact that charges have already been framed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Sono (Charka Pathar) P.S. Case No. 207 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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