

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36445 of 2023**

Arising Out of PS. Case No.-117 Year-2020 Thana- HATHAURI District- Samastipur

JITENDRA KUMAR S/O BAIDHNATH MANDAL @ BAIJNATH
MANDAL @ BAIDYANATH MANDAL R/O Village- Bandiha, P.S- Rosera,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant
of regular bail in connection with Hathauri P.S. Case No. 117 of
2020 dated 10.09.2020 registered for the offences punishable
u/ss 307, 504, 120B, 341, 506, 323 read with section 34 of the
Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant has alleged
in his *fardbeyan* that his brother-in-law Jitendra Kumar (the
petitioner) along with one of his friends came to his house and



informed him about the accident of his son. On the receipt of the said information, he accompanied the petitioner on his motorcycle. In the way the petitioner stopped his motorcycle where mother-in-law and father-in-law of the informant and seven unknown persons came and started abusing and assaulting him and when he started fleeing away, the petitioner fired on him, as a result of which he sustained fire arm injury and fell down on the ground. Thereafter, the accused persons snatched Rs. 20,000/- and he was brought to hospital for treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Earlier the anticipatory bail of the petitioner was rejected by the co-ordinate bench of this court *vide* order dated 25.10.2021 passed in Cr. Misc. No. 28333 of 2021 with a direction that “if the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by this order”. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 27.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of



the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Rosera, Samastipur in connection with Hathauri P.S. Case No. 117 of 2020, with the condition/s:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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