

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41083 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- GURUA District- Gaya

Chotu Ansari Son of Munna Ansari R/O Village- Rajan, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 25-01-2023 Heard Mr. Paras Nath, learned counsel appearing on behalf petitioner and Mr. Madhura Nand Jha, learned A.P.P. for the State.

The petitioner seeks bail in connection with Gurua P.S. Case. No. 119 of 2020 registered for the offence punishable under Sections 341, 323, 504, 335, 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submitted that he had earlier moved before this Court along with other three accused by filing Criminal Misc. No. 44641 of 2021 for regular bail, vide order dated 21.03.2022 his application for bail was dismissed as withdrawn. He further submitted that on merits this Court had



heard the matter and had granted bail vide order dated 21.03.2022 to all the three co-accused, however, taking into consideration the total period of custody and direct allegation against the petitioner that he had injured son of the informant by means of lathi on his head, the injury has been reported to be grievous in nature, in defence learned counsel appearing on behalf of the petitioner submitted that the petitioner was restrained from entering into his own house by the informant who is neighbor and on the spur of the moment without any intention to kill the informant the petitioner had blown lathi which hit the head of the son of the informant. He further submitted that taking into consideration the period of custody of the petitioner, the petitioner may be released on bail on any terms and conditions imposed by this Court.

Learned counsel appearing on behalf the State has vehemently opposed the prayer for grant of bail to the petitioner. He further submitted that the petitioner has violated the protocol which was required to be followed by him during the Covid period, as such, the bail application filed by the petitioner requires to be dismissed.

Considering the rival submission of the parties and materials on record, this Court felt that the petitioner was



restrained from entering into his own house by the informant who is his neighbor and in course of the said incident, out of spur of the moment, without any intention petitioner had inflicted blow by means of *lathi* which injured the head of son of the informant. Petitioner has remained in custody for about two years and has clean antecedent. The trial is also not likely to be concluded in the near future, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Gurua P.S. Case No. 119 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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