

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44919 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- KORMA District- Sheikhpora

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Jitendra Kumar Son Of Late Rameshwar Mahto Village- Murarpur PS-
Korma Dist- Sheikhpora.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP
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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Korma P.S. Case No.61 of 2023 registered on 01.04.2023 lodged
under Sections 341, 323, 448, 302, 307, 324 and 326 of the Indian
Penal Code.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner that he stabbed with knife in the
stomach of the deceased Sikandar Kumar, who was the son of the
informant, due to which he was brutally injured. It has been
alleged that upon *halla* the petitioner was caught by the villagers
and the injured Sikandar Kumar was taken to a hospital, where he
was declared dead.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner is
in custody from the date of occurrence itself i.e. since 01.04.2023

having clean antecedent. He submits that the informant's side and the petitioner's side are agnates and the informant's side called the petitioner to provide him the document of land property. Counsel submits that when the petitioner reached at the informant's place then informant side started assaulting him and started scuffling him due to which, in order to save his life, the petitioner tried to defend himself and in that circumstance the son of the informant got injured by knife in his stomach.

5. Counsel for the petitioner submits that due to bad condition of the petitioner, he was referred to PMCH, Patna and due to the injury he was admitted to PMCH, Patna and he filed a *fardbayan* before the Inspector-cum-SHO, Pirbahore, Patna. Counsel submits that the injury report and the *fardbayan* lodged by the petitioner is Annexure-2 series and Annexure-3.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Korma P.S. Case No.61 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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