

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55367 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- BHAPTIAHI District- Supaul

Rajendra Mehta @ Rajendra Pd. Mehta Son of Late Hibi Mehta R/v-
Kalyanpur (Ward No. 3), P.S- Bhaptiyahi, Distt- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 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. Kritya Nand Jha, learned counsel appearing on behalf of the petitioner and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Bhaptiyahi P.S. Case No. 34 of 2022 registered for the offences punishable under Sections 341, 323, 379 and 307 read with 34 of the Indian Penal Code.

The prosecution case is based on the written report alleging therein that on 01.04.2022 while the labourer of the



informant was going to field, in the meantime, the petitioner along with other named accused persons came there and snatched water pipe from him. When the same was resisted, the petitioner having armed with iron rod assaulted over the head of the informant indiscriminately, due to which, he sustained injuries on his head and eyes due to which he fell down. There are other allegations with regard to snatching of the valuables and cash of Rs.80,000/- from the informant.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the FIR has been instituted in the background of the land dispute and, in fact, free fight took place between the parties, in which the informant sustained injuries in course of scuffle. He further submits that though the injuries are grievous in nature, however, there had never been any intention to kill the informant. He next submits that the petitioner and the informant are neighbours and co-villagers and, as such, as per his instruction, the matter has been amicably compromised. He also submits that the petitioner having fair antecedent is in custody since 16.05.2022 and is ready to abide by the terms and conditions as would be imposed by this Court.

On the other hand, learned counsel for the State



vehemently opposes the bail application and submits that specific allegation of assault has been levelled against the petitioner resulting into grievous injuries sustained to the informant.

Regard being had to the submissions made on behalf of the parties and the fact that the alleged occurrence took place in the background of land dispute coupled with the fair antecedent of the petitioner and the period of custody, apart from the fact that the charge-sheet has been submitted, 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 Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No. 34 of 2022, 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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