

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58011 of 2022

Arising Out of PS. Case No.-45 Year-2018 Thana- KUNALI District- Supaul

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Nageshwar Mehta Son Of Deo Narayan Mehta, Resident Of Village -
Kunauli, P.S.- Kunauli, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-02-2023 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Kunauli P.S. Case No. 45 of 2018 lodged under Sections 341,
323, 379, 354 (A), 307, 504, 506/34 of the I.P.C.

As per the prosecution, the specific allegation against
the petitioner that he has made *farsa* blow on the informant's
husband, in result he was injured, then he fled away from the
place of occurrence.

Learned counsel for the petitioner submits that the
petitioner and informant both are well known to each other and
belong to same village and neighbourer. Counsel further submits



that for the same date and place of occurrence i.e. on 16.10.2018 at 5.00 pm, there are two criminal cases filed one is Kunauli P.S. Case No. 44 of 2018 filed by the cousin of the petitioner against the informant of the Kunauli P.S. Case No. 45 of 2018 and second case was filed by the wife of Shivnath Mehta bearing Kunauli P.S. Case No. 45 of 2018. Counsel further submits that there are injuries took place from both the sides. He further submits that the cause of occurrence is land dispute. Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail and in the present case, he is in custody since 21.06.2022.

Learned counsel for the State opposes the prayer for bail and submits that there is case and counter case between the parties

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 Judicial Magistrate Ist Class, Birpur, Supaul in connection with Kunauli P.S. Case No. 45 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:



A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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