

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66717 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- SONO District- Jamui

=====

Kameshwar Yadav Son of Anandi Yadav R/o vill - Baghmadamgi, Chormara,
P.S. - Sono, Distt. - Jamui (Wrongly written in the FIR, the Petitioner is
resident of Baghmarmagi Chormara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sono P.S. Case No. 239 of 2023 dated 11.07.2023, lodged under
Sections 341, 323, 324, 307, 504 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons. The specific
allegation against the petitioner is that he has alleged to attack
upon the informant on his head, due to which injury has been
caused on his head.

4. Learned counsel for the petitioner submits that the
petitioner and the informant's side both were agnates and all
agnates have started constructing house on their respective
shares. Counsel submits that on the question of concretization of

the roof, the dispute has started and for the said date and place of occurrence, there is case and counter case lodged from both the sides. The informant's side has lodged case bearing Sono P.S. Case No. 239 of 2023, whereas the petitioner's side has lodged case bearing Sono P.S. Case No. 240 of 2023.

5. Learned counsel for the petitioner further submits that there is open fight took place from both the sides in which injuries have been caused from both the sides. Counsel further submits that the counter case has been annexed as Annexure-P2. Counsel further submits that the petitioner is not a criminal rather on the petty land dispute, the occurrence took place. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 11.07.2023.

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 Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui in connection with Sono P.S. Case No. 239 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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.)

sadique/-

U		T	
---	--	---	--