

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68321 of 2023

Arising Out of PS. Case No.-197 Year-2021 Thana- KALYANPUR District- Samastipur

Chandan Kumar @ Chintu S/O- Jay Shankar Prasad Singh, Resident of
Village- Birsinghpur P.S.- Kalyanpur, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kalyanpur P.S. Case No. 197 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 325, 379, 504 and 385 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 20.07.2021 at about 10:00 A.M. when the informant was going home, on the way, Jai Shankar Prasad Singh, Nunu Prasad Singh, Chandan Prasad Kumar (this petitioner), Sunny Kumar, Gaurab Kumar and six unknown accused persons variously armed surrounded him and started asking for rangdari. On protest, Jai Sankar Prasad ordered to kill the informant and Sunny Kumar and two other accused persons pointed pistol towards the informant and



Chandan Kumar (this petitioner) assaulted the informant on his head with an iron rod as a result of which blood started oozing out and he fell down. Thereafter, Nunu Prasad Singh and Gaurab Kumar assaulted the informant with an iron rod which resulted in fracture of his right elbow. It is also alleged that Sunny Kumar snatched away gold chain from the neck of the informant.

4. Learned counsel for the petitioner submits that the petitioner and the informant are close door neighbours and they seem to have entered into a free fight on account of a land dispute. Annexures '1' and '2' respectively are the case and counter case. It is submitted that both the sides have suffered injuries. So far as the injury of the informant who is an accused in Annexure 'P/3' is concerned, there are three injuries on his body, however, the injury attributed to this petitioner is simple in nature.

5. Ms. Meena Singh, learned APP for the State did not dispute that the injury attributed to this petitioner has been found simple in nature.

6. In the circumstances stated above, there being a case and counter case between the parties and the injury attributed to the petitioner is simple in nature as also the



petitioner has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Kalyanpur P.S. Case No. 197 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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