

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68375 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- KANTI District- Muzaffarpur

Rishav Kumar @ Rishabh Kumar S/O Mithlesh Mishra R/O Village-
Madhukar Chhapra, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Raju Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 58 of 2021 lodged under Sections 341, 323,
307, 379, 506, 504 & 34 of the I.P.C. read with Section 27 of the
Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named and 2 unknown accused persons. The
specific allegation against the present petitioner is that he has
attacked on the head of the informant's son, due to which head
injury took place.

4. Learned counsel for the petitioner submits that
from the content of F.I.R., it is very much clear that the

petitioner and informant's side are the agnates and due to land dispute, the present scuffling took place. Counsel further submits that the allegation as alleged is not correct. He submits that there are series of cases pending between them and it is the another case which has been filed from the informant's side. Counsel submits that all those cases have been mentioned in different paragraphs of the bail petition which are as follows:-

i. Kati P.S. Case No. 866 of 2022

ii. Kati P.S. Case No. 58 of 2021

iii. Kati P.S. Case No. 47 of 2023

5. Counsel further submits that on the slightest possible occasion, the parties are always inclined to file criminal cases against each other. He further submits that petitioner is in custody since 17.08.2023 and presently, one more criminal case is pending against him in which he is on bail. The said case was filed by the informant's side against the petitioner except that no other case is pending against him.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per the F.I.R., the allegation is against the present petitioner to attack on the head of the son of the informant due to which head injury has been caused.

7. Counsel further submits that the specific allegation of firing on the leg of the informant's side is also there in the F.I.R., and therefore, he requests to reject the bail petition of the petitioner.

8. Learned counsel for the State opposes the prayer for bail and submits that it is true that the allegation is there, but it is also true that the allegation of firing is not at the head rather it is on the neck.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, West Muzaffarpur in connection with Kanti P.S. Case No. 58 of 2021, subject to the following 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.

(Dr. Anshuman, J.)

Prakashmani/-

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