

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1126 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- KHARIK District- Bhagalpur

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Vinod Kumar @ Binod Kumar Spn of Late Mohan Kumar Resident of
Village- Dhruvganj, PS Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Jha, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kharik P.S. Case No. 245 of 2023 lodged under Sections 341,
324, 326, 307, 504, 506/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons against whom there
is allegation that petitioner has repeatedly assaulted on the
informant's brother by knife due to which he injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that both petitioner and informant are agnates and residing in the
same village. From the content of the F.I.R., it is clear that the
dispute is relating to boundary of land. He submits that for the



said land, there is a title suit pending in the civil court before the Sub-Judge-I, Naugachia bearing Title Suit No. 03 of 2020 and Land Dispute No. 55 of 2022-23

5. Counsel further submits that for the said date and place of occurrence, there is case and counter-case lodged from both the sides. The copy of the F.I.R. lodged by the informant is Kharik P.S. Case No. 245 of 2023 and the F.I.R. lodged from petitioner's side is Kharik P.S. Case No. 246 of 2023. He further submits that for the said land dispute, the case is also pending before the D.C.L.R., Naugachia bearing BLDR Case No. 55 of 2022. He submits that a supplementary affidavit has been filed in this case by which he has annexed the injury report which is simple in nature. After completion of investigation, charge-sheet has been submitted in bailable offences, but the trial court has taken cognizance under Section 307 of I.P.C.. It is due to this reason, petitioner has apprehended and praying for regular bail.

6. Counsel further submits that petitioner's antecedent is clean and he is in custody since 21.10.2023.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the content of F.I.R., it is clear that repeatedly blow of knife has been made on the body of the injured with a view to kill him.



8. Learned counsel for the State opposes the prayer for bail.

9. 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 A.C.J.M.-1st , Naugachia in connection with Kharik P.S. Case No. 245 of 2023, G.R. No. 1577 of 2023 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.)

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