

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1864 of 2024

Arising Out of PS. Case No.-594 Year-2023 Thana- BIHAR District- Nalanda

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Ajay Prasad S/O - Late Keshar Mahto R/O - Village Tikulipar, Ps Bihar
District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bihar P.S. Case No.594 of 2023, lodged on 04.07.2023, under
Sections 341/323/337/307/379/504/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
four named accused persons mentioned in the FIR against
whom there is allegation that they have surrounded the
informant and her family, assaulted them due to which injury
has been caused to the husband of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the disputes between the informant and the petitioner are land dispute, which is apparent from the FIR itself. Counsel further submits that the petitioner and the husband of the informant are full brother. They are residing in the same village and due to land dispute the occurrence took place. Counsel further submits that there is case and counter case lodged from each party for the same date and place of occurrence. The case filed by the petitioner side is Bihar P.S. Case No.600 of 2023 and informant side has lodged the present case i.e., Bihar P.S. Case No.594 of 2023. Counsel also submits that there are in total four accused persons, out of which three accused persons were granted anticipatory bail. There is one criminal antecedent of the petitioner in which he is on bail. The petitioner is in custody since 19.10.2023. Charge sheet has already been filed.

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

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that due to this scuffle one grievous injury has been caused to Ashok Kumar in the nature of multiple fracture caused by hard and blunt substance.

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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar P.S. Case No.594 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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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