

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2252 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- SAUR BAZAR District- Saharsa

Dharmendra Swarnkar @ Dharmendra Sah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha, Adv

For the Opposite Party/s : Mr.Nitya Nand Tiwary, App

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sour Bazar P.S. Case No. 307 of 2023 registered on 06.06.2023
lodged under Sections 341, 323, 326A, 504, 506/34 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons including the petitioner that
they have scuffled with the informant and subsequently thrown
acid in the house of the informant.

4. Counsel for the petitioner submits that both are
adjacent neighbours and well known to each other. The
allegation of dispute is already stated in the F.I.R. itself that due
to cutting of banana tree, the entire dispute has arisen and open
fight took place on both the side. The petitioner side filed a



complaint case which is Annexure P/2 whereas the informant side filed criminal case in which petitioner is seeking bail.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that neither the petitioner nor the informant are criminals rather at the spur of moment due to cutting of the banana tree took place. He further submits that petitioner is in custody since 07.06.2023 having clean antecedent.

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 *after framing of charge* and 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, Saharsha in connection with Sour Bazar P.S. Case No. 307 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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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