

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5319 of 2024

Arising Out of PS. Case No.-234 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sunder Kumar @ Vishal Kumar son of Ashosk Sahani Vill-Patailiya ward
no.4 P.S-Bibhutipur Dist-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratik, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 234/2022 lodged on 09.06.2022 under
Sections 341, 323, 504, 506, 354B, 307, 448 and 379 of the
Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons including the present
petitioner alleging therein that all the accused persons have
assaulted the informant and her father-in-law with an iron rod
due to which they got injured. The petitioner and other co-
accused, Kisan Sahni tried to commit rape upon the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that for the occurrence of 05.06.2022, the FIR was



lodged on 09.06.2022, i.e. after a delay of four days. For the same date and place of occurrence two sets of FIR have been lodged, one FIR has been lodged as Bibhutipur P.S. Case No. 234 of 2022 at the instance of the informant whereas the other case bearing Bibhutipur P.S. Case No. 235/2022 by the mother of the petitioner. The actual dispute between the parties is different as shown in the FIR. The dispute is related to *gair majarua* land on which both are claiming. Neither the petitioner nor the informant is criminal rather in the land dispute and with a view to take possession of the said land they have in conflict with each other. The petitioner is in custody since 06.10.2023 and is accused in two more criminal cases, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that there is a specific allegation against the petitioner in the FIR.

6. 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 ACJM-I, Rosera at Samastipur, in connection with Bibhutipur P.S. Case No.



234/2022, 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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