

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2724 of 2024

Arising Out of PS. Case No.-47 Year-2022 Thana- FESHAR District- Aurangabad

Sagar Kumar son of Ravindra Kumar Ravi Village- Basdiha Ps- Phesar Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vardaan Mangalam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No. 569 of 2023/200/2023 arising out of Phesar P.S. Case
No. 47 of 2022 dated 13.04.2022, lodged under Sections 147,
148, 323, 325, 307, 504, 506, 302 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 6 named and 10 unknown accused persons
including the present petitioner. The allegation against them is
that they have surrounded at the private school to the
informant's side and attack on his house, due to which the
family member of the informant become injured. After noise,
the villagers and passerby gathered, thereafter the accused
persons fled away. Due to said scuffling, the brother-in-law of
the informant become injured and admitted to the hospital and
subsequently died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the informant and petitioner both sides are well known to each other and resident of the same village. The land dispute is going on between them and due to the same, scuffling took place from both the sides and from the same date and place of occurrence, the case has been filed by the informant's side being Phesar P.S. Case No. 47 of 2022, whereas the petitioner's side has filed Phesar P.S. Case No. 48 of 2022.

5. Learned counsel for the petitioner further submits that the injury has been caused from both the sides but subsequently, one of the injured person from informant's side died. He further submits that the similarly situated co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 16.12.2022, 16.08.2023 and 30.11.2023 passed in Cr. Misc. No. 55038 of 2022, Cr. Misc. No. 49721 of 2023 and Cr. Misc. No. 75950 of 2023 respectively.

6. Learned A.P.P. 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 on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Xth, Aurangabad in connection with S.Tr. No. 569/2023/200/2023

arising out of Phesar P.S. Case No. 47 of 2022, subject to the 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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