

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1940 of 2024

Arising Out of PS. Case No.-86 Year-2022 Thana- JALALPUR District- Saran

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Digvijay Dixit Son of Late Nathuni Dixit Resident of Village-Bishunpura,
P.S.- Jalalpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Jalalpur P.S. Case No. 86 of 2022 for the offence under sections 147, 145, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code lodged on 25.03.2022 by the informant, Sushil Dixit.

3. As per the prosecution story, the accused persons assaulted the informant's side while they were inspecting their land. Allegation against the petitioner is of assaulting the informant with sharp edged weapon on his head (farsa) and further gave second blow which fractured his left hand. The further allegation is on other accused persons of assaulting Arbind Singh. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 21.08.2023 in Cr. Misc. No. 53128 of 2023.

5. Again, a fresh application has been preferred



whereafter a report was called for, which has since been received vide Letter no. 46 dated 18.01.2024 according to which, the supplementary chargesheet was submitted on 06.07.2023 whereafter after taking cognizance, the case has been sent to the Sessions Court.

6. Learned counsel for the petitioner submits that from the aforesaid facts, it is clear that the trial has not even started, and further, he has already suffered by being in custody since 16.05.2023, do not have criminal antecedent and will be diligently appearing in trial, if released on bail.

7. Learned APP opposes the prayer for bail.

8. Considering the submission put forward by the parties as also the report submitted by the Court, the petitioner do not have criminal antecedent, is in custody since 16.05.2023 and will be diligently appearing in trial as undertaken by the learned counsel for the petitioner, the trial is not going to conclude in near future, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate 13th, Saran at Chapra, in connection with



Jalalpur P.S. Case No. 86 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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