

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86859 of 2024

Arising Out of PS. Case No.-292 Year-2024 Thana- KALYANPUR District- East Champaran

Ajay Rai S/O Jatai Rai @ Jatai Yadav R/O Vill - Siswa Basant, P.S. -
Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 292 of 2024 instituted for the offence under Sections 127(1), 115(2), 109, 303(2), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in a nutshell is that over a dispute, petitioner gave *dabia* blow on the informant due to which he sustained injury.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08-10-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is case and counter case between the parties, which is being filed by the wife of the petitioner bearing Kalyanpur P.S. Case No. 293 of 2024. From perusal of the impugned order, it would reveal that informant has sustained incised wound on right side of frontal head, which is caused by sharp cutting object. It is submitted that there was no repetition of blow. It is lastly submitted that there is subsisting land dispute between the parties.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there being case and counter case between the parties, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 292 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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