

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8684 of 2019

Arising Out of PS. Case No.-270 Year-2014 Thana- PIPRA District- East Champaran

Bhola Prasad, Male, aged about 45 years, Son of Jaleshwar Bhagat, R/o
village- Khairimal , P.S- Pipra, District East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.11.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 307, 386, 387, 330, 467 and 120(B) of the Indian Penal Code and under Section 17 of the C.L.A. Act.

The prosecution case as per the fardbeyan of Jitendra Singh, Block Development Officer, Chakia recorded by Inspector-cum-S.H.O., Chakia P.S. on 14.11.2014 at 02.30 P.M. at Referral Hospital, Chakia is to the effect that on 14.11.2014, the informant after performing his duty of maintaining the law and order was returning from Khairimal to Chakiya. In the meantime, on the way, the informant was surrounded by two



hundred people near Mangalwari Market and on the order of the co-accused Raghunath Sah, all the accused persons started assaulting the informant with lathi, rod, fists and slaps. It is further alleged that the petitioner and co-accused, Raghunath Sah, wrapped towel around the neck of the informant and started to strangle him. Consequently, the informant got unconscious and subsequently, he was taken to the Referral Hospital, Chakiya. It is also alleged that the petitioner snatched a gold chain, a gold ring, mobile phones, Rs. 2,000/- cash, ATM Card, PAN Card, Driving Licence and other important papers from the informant. It is further alleged that during the alleged occurrence, signature of the informant on blank papers were also forcibly taken by the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner was a candidate of local PACS election and due to helping the other side, the petitioner has maliciously been roped in the present case. It is further submitted that there is no specific accusation against the petitioner and the accusation of assault is against mob. Moreover, the injuries caused to the informant have been found simple in nature. A statement to that effect has been made in paragraph no.10 of the petition, which reads as follows:-



“10. That, though the local administration tried their best to manage the thing to make the case forceful but they could not succeed since the doctor found only simple injury on the person of the Block Development Officer in his injury report, thereafter under pressure and planning present case was filed.”

Learned APP for the State submits that there is specific accusation of assault against the petitioner.

Considering the fact that accusation of assault is against the mob, though the accusation of throttling is specific against the petitioner and co-accused, Raghunath Sah but since it is specifically stated in paragraph no.10 of the petition that the injuries being found to be simple in nature and the injury report suggests that the petitioner had no intention to kill the informant, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Judicial Magistrate 1st Class, Motihari, East Champaran**, in connection with **Pipra P.S. Case No.270 of 2014**.

(Dinesh Kumar Singh, J)

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