

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24575 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- DHANAHA District- West Champaran

Madan Kushwaha, Male, aged about 70 years, S/o Mukhi Kushwaha,
Resident of Village-Sahaj Tola Barawa, P.S.-Dhanaha, District-West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mitali, Advocate
For the State	:	Mr.Fahimuddin, A.P.P.
For the Informant	:	Mr.Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioner, the State and

the learned counsel for the informant through virtual court
proceeding.

The petitioner seeks bail in connection with Dhanaha
P.S. Case No. 66 of 2020 registered for the offences punishable
under Sections 341, 323, 324, 360, 302, 504, 120 (B)/34 of the
Indian Penal Code.

The prosecution case as per the fardbeyan of
Shambhu Chauhan, recorded by S.I. Shambhu Sharan Gupta on
21.03.2020 at 6:00 P.M. is to the effect that informant and his
son namely Harkesh Chauhan were carrying sugarcane on a
tractor which was being driven by the son of the informant but
on the way, ten accused persons including the petitioner came



on four motorcycles and started assaulting the informant and his son. It is alleged that co-accused Kishmati Devi instigated co-accused Govind Kushwaha for making assault. Subsequently, son of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that specific accusation of assault is against co-accused Govind Kushwaha, Dharmendra Kushwaha and Vinod Kushwaha. The investigation has already been concluded and co-accused Kishmati Devi, who is alleged to have instigated co-accused Govind Kushwaha to make assault on the son of the informant has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.06.2020 passed in Cr. Misc. No.19641 of 2020.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in this case. Learned counsel for the petitioner further submits that the petitioner is aged about 70 years old and has not played any role in the said occurrence. The allegation of assault is not against the petitioner. Learned counsel for the petitioner further submits that similarly situated co-accused Jitendra Kushwaha has already been granted bail by this Co-ordinate Bench of this Court vide order dated 23.09.2020 passed in Cr. Misc. No.25167 of 2020.



Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha, West Champaran in connection with Dhanaha P.S. Case No.66 of 2020.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

