

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33646 of 2020**

Arising Out of PS. Case No.-280 Year-2019 Thana- KISHANGANJ District- Kishanganj

SHIKHAR MURMU @ SHIKAR MURMU, aged about 45 years, Male, S/o Late Chetan Murmu, R/o village- Hasanpur, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate.
For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 326, 341 and 323/34 of the I.P.C. Later on, Section 307 of the I.P.C. was also added.

The prosecution story, in brief, is that on 16.04.2019



the son of the informant went to play near the house of this petitioner. After one hour, his son came weeping to the informant and said that this petitioner assaulted with *Kachhiya* in his eye, as a result of which, lens of his eye came out. Thereafter, a panchayati was held but the petitioner refused to obey the decision of the *Panches*. At that time, uncle of the petitioner, namely, Sunil Soren and Ramesh Murmu came and assaulted the informant. The informant came to his house with his son and admitted him in Sadar M.J.M. College from there he was referred for better treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.06.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged date of occurrence is 16.04.2019 as to when the case was instituted on 12.06.2019. Delay has not been explained by the prosecution. It has further been submitted on behalf of the petitioner that the son of the informant and the petitioner were playing and in course of that the victim got injury in his eye but later on for oblique reason the present case was instituted



against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kishanganj, in connection with Kishanganj P.S. Case No. 280 of 2019.

(Sudhir Singh, J)

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