

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87438 of 2019

Arising Out of PS. Case No.-30 Year-2018 Thana- SAMHO District- Begusarai

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DHANIK BIND Son of Late Jago Bind Resident of Village - Akha Kurha,
P.S.- Samho, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 01-06-2020 The present case was heard at length on 27.05.2020
and today, it has been listed under the heading “For Orders”.

The petitioner seeks regular bail in connection with Shamho PS case no. 30 of 2018 instituted for the offences punishable under Sections 448, 147, 148, 341, 342, 323, 324, 307, 354, 379, 506, 504 of Indian Penal Code and 27 of Arms Act.

The case of the prosecution in brief is that the accused persons including the petitioner, all armed with various weapons are stated to have entered in the house of the informant, whereafter the petitioner is stated to have assaulted the informant with *farsa* on her head and then the other accused



persons had also assaulted the prosecution party.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case, he is an aged person of about 50 years of age, he is having a clean antecedent and is languishing in custody since 05.08.2019. The learned counsel for the petitioner has also referred to the injury report of the informant namely Vimla Devi, on whose head the petitioner is stated to have assaulted with farsa, to show that though injuries no. 2 to 4 are simple in nature, however injury no. 1 inflicted on the forehead of the informant is dangerous to life caused by sharp cutting weapon, however it is submitted that the wife of the petitioner had filed a complaint case bearing complaint case no. 1030 (c) of 2018, as such there is animosity between both the parties, which has resulted in the petitioner being falsely implicated in the present case. The petitioner is stated to be languishing in custody since 05.08.2019. It is further submitted that co-accused person namely Sukhdeo Mahto has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2019 passed in Cr. Misc. no. 5798 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the materials available in the case diary, this Court is of the view that though the injury no. 1 of the injury report pertaining to the informant shows that the injury is dangerous, however considering the fact that the petitioner is having a clean antecedent, is 50 years of age, is languishing in custody since more than 10 months and charge-sheet has already been filed in the present case as also taking into account the fact that a case and counter case exists between the parties, this Court finds that it would be just, legal and equitable to grant benefit of doubt to the petitioner for the purposes of grant of bail, however with certain conditions. Consequently, it is directed that the petitioner be released on bail upon him furnishing personal bond to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Shamho PS case no. 30 of 2018.

It is needless to state that in case, the informant or her family members are in any manner harassed by the petitioner, the informant would be free to approach this Court for cancellation of the present privilege of regular bail being extended to the petitioner herein.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named,



shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Shamho PS case no. 30 of 2018, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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