

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33454 of 2021

Arising Out of PS. Case No.-459 Year-2020 Thana- HARSIDHI District- East Champaran

CHANDAN PATEL S/O BINOD PATEL R/o village- Dhawahi, P.S.-
Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare
	M/s Suresh Prasad Singh & Uttam Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302 and some other
ancillary Sections of the Indian Penal Code.

As per the prosecution case, this petitioner along with
other FIR named accused persons reached at the gate of police
station and abused and threatened the informant. On protest, co-
accused, Vinod Patel took out knife from his pocket and
inflicted knife blow on the informant. Thereafter, it is alleged
that all the accused persons including this petitioner assaulted
the informant with kick and fat. The informant after sustaining
injuries fell down and in course of treatment he succumbed to



the injuries.

Learned counsel appearing for the petitioner submits that there is general and omnibus allegation of assault against this petitioner. The specific overt act has been alleged against co-accused, Vinod Patel that he inflicted knife blow on the informant. It is further submitted that prior to lodging of the present case, three cases, that is, Harsidhi P.S. case No. 322/2015, Harsidhi P.S. case No. 09/2019 and Harsidhi P.S. case No. 456/2020 has been lodged against the informant and others by Bachchi Devi, wife of Binod Patel. Petitioner claims clean antecedent and is in custody since 03.11.2020 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposes the prayer for bail and submits that there is specific allegation against this petitioner also that he assaulted the informant with kick and fat and took out Rs. 25,00/- from the pocket of informant.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Chief Judicial Magistrate, East Champaran,



Motihari in connection with Harsidhi PS case No. 459/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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