

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34641 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- KHAIRA District- Saran

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BINOD PRASAD @ BINOD SAH S/O Late Fulena Prasad Resident of
Village - Kadipur Nabiganj Nagra, P.S. - Khaira, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the State	:	Ms. Ishrat Bano, APP
For the Informant	:	Mr. Brij Bihari Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-12-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code.

As per the prosecution case, the nine named accused persons including the petitioner herein are stated to have come variously armed. On the orders of the petitioner, the other accused persons, the details of whom have been given in the F.I.R., as also one Guria Devi assaulted the informant and the members of his family.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is case and counter case between the parties. Even accepting the



allegations in the F.I.R. for the sake of argument, no overt act has been alleged against the petitioner who has been described as an order giver. He is in custody since 18.2.2021 and chargesheet has been submitted in the case.

It is further submitted by learned counsel for the petitioner that a supplementary affidavit has been filed stating therein about the inadvertent error that has been committed in paragraph no. 3 of the petition wherein one of the antecedent of the petitioner was not mentioned.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is specific allegation against him that on the orders of this petitioner, the other accused persons as a result of common intention between the parties brutally assaulted the informant and others.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner being the order giver, his being in custody for 10 months and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Khaira P.S. Case no.320 of 2020 on furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Saran.

(Partha Sarthy, J)

Saurabh/-

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