

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.233 of 2021

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

BINOD KUSHWAHA, Son of Sitaram Kushwaha, Resident of Village- Sahaj
Tola, Barwa, Police Station- Dhanla, District- West Champarna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
For the Informant	:	Mr. Anand Kishore Chaudhary, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Dhanaha P.S. Case No. 66 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 302, 504, 120 (B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story altogether ten persons had surrounded the informant and his son and all of them had assaulted them by lathi as a result whereof the informant suffered injuries and so far as the son of the informant is concerned, it is specifically alleged that Govind Kushwaha, Dharmendra Kushwaha and



Binod Kushwaha (petitioner) had assaulted him. Ultimately, the son of the informant died.

Learned counsel submits that so far as this petitioner is concerned, he is a school teacher and he has been falsely implicated in this case because of the fact that he happens to be co-sharer of Govind Kushwaha and informant thinks that he was supporting the co-accused Govind Kushwaha. As regards his involvement, the S.P. has asked the I.O. to find out the truth in Report 2.

Learned counsel further submits that the petitioner has remained in jail in connection with the present case since 12.07.2020 and hence he may be released on bail.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. Learned counsel for the informant and learned A.P.P. for the State have placed on record before this Court a copy of the order dated 03.02.2021 passed by learned Co-ordinate Bench of this Court in the case of Govind Kushwaha in Cr. Misc. No. 35456 of 2020. The learned Co-ordinate Bench has refused the prayer for bail of the co-accused at this stage and liberty has been granted to him to renew his prayer for bail after six months.



Learned counsel submits that the case of the petitioner stands on similar footing with that of said co-accused Govind Kushwaha. In response, learned counsel for the petitioner submits that the said Govind Kushwaha was caught on spot, therefore, the case of the petitioner cannot be equated with the co-accused Govind Kushwaha.

Be that as it may, at this stage, this Court is not inclined to grant bail to the petitioner for the reason that the informant who himself is injured and has suffered five injuries has alleged that this petitioner was one among the three specifically named persons who had assaulted his son. The learned Co-ordinate Bench had rejected the prayer for bail of the co-accused while granting him liberty to renew his prayer after six months. This Court, therefore, while rejecting the prayer for bail of the petitioner grants liberty to the petitioner to renew his prayer for bail after six months. Let the trail be expedited.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

