

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40627 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- SIKARPUR District- West Champaran

Nathuni Pal Son of Satyanarayan Pal @ Satayanarain Pal Resident of Village
- Nayatola, Rakhahi, Police Station - Shikarpur, District- West Champaran at
Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 07-04-2021 Heard learned counsel for the parties through virtual
mode.

The petitioner seeks bail in Shikarpur P.S. Case No.
167 of 2020, registered for the offence under Sections 341, 323,
324, 307, 354, 302, 504/34 of the Indian Penal Code.

As per the prosecution case, on 15.04.2020 at about
5.30 AM, some dispute arose between the parties over dumping
of cow-dung. It is further alleged that thereafter, on alarm being
raised, all the FIR named accused persons including this
petitioner, armed with deadly weapons, came at the door of the
informant and started assaulting informant side. It is alleged that
co-accused Saheb Pal assaulted with iron rod on the head of
informant's son and this petitioner gave spade blow on his head,
as a result of which, the son of the informant collapsed and in



course of treatment died.

It is submitted on behalf of petitioner that as per the FIR, informant's son was given iron rod blow by co-accused Saheb Pal and thereafter, a spade blow by this petitioner, but in the *post-mortem* report, the doctor has found only one injury on the head of the deceased caused by hard and blunt substance. It is further submitted that there is land dispute between the parties. Case & counter case and petitioner is in custody since 17.04.2020, having no criminal antecedent.

Considering the discrepancy in the FIR and the *post-mortem* report with regard to injury caused to informant's son and the fact that the occurrence took place in the backdrop of land dispute and there is case & counter case, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 167 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



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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