

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1855 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- PAROO District- Muzaffarpur

1. PARSURAM RAI Son of Late Baleshwar Rai Resident of Village- Kharihaniya, P.S.- Paroo, District- Muzaffarpur.
2. Bipendra Kumar Son of Parsuram Rai Resident of Village- Kharihaniya, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Adv.
For the Opposite Party/s	:	Mr. Atul Chandra, APP
for the informant	:	Mr. Raju Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-06-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 341, 323, 324, 354, 379, 325, 504 and 34 of the Indian Penal Code.

As per the prosecution case, the accused persons including the two petitioners herein are said to have assaulted the informant and the members of his family. So far as these two petitioners are concerned, the petitioner no.1 is said to have assaulted Meghu Kumar, the brother of the informant with a knife in his back while the petitioner no.2 is said to have assaulted with a sword on the head of the informant.



It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. Referring to the injury reports of the injured attributable to the two petitioners herein which are Annexure 2 series of the petition it is submitted that the same do not support the prosecution case. The injury on the informant has been found to be simple in nature while the injury on the brother of the informant besides being simple in nature is said to have been caused by hard and blunt substance. The petitioners are in custody since 12.10.2021 and have no criminal antecedent.

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 two petitioners are named in the FIR but there is direct and specific allegation against them and others that being armed with knife and sword, as a result of common intention both of them assaulted the informant and others leading to serious injuries which are reflected from the CT Scan report as well.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the injury reports together with the petitioners not having any criminal



antecedent and having remained in custody for 7 months, the Court directs both the petitioners to be enlarged on bail in connection with Paroo P.S. Case no. 401 of 2021 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. III (West), Muzaffarpur.

(Partha Sarthy, J)

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