

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7592 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- ATHMALGOLA District- Patna

Vishal Kumar @ Chhotu Son of Manoj Singh Resident of Village-
Bahadurpur, P.S.- Athamalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Athamalgola P.S. Case No. 159 of 2021 registered for the
offence under Sections 342, 323, 307, 379, 504, 302 and 34 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.08.2021.

The allegation against the petitioner is to assault the
husband of the informant, who died in due course of treatment
after one month of the occurrence.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation, as regard to assault, is not specific against the petitioner. It has further been submitted that, it is admitted position, though complications arises after six or seven days of the occurrence, but no F.I.R. was lodged. While arguing over the matter, it has further been submitted that number of injuries has been found upon the body of the deceased, which creates a doubt over the manner of assault as alleged. It has further been submitted that informant is not the eye witness of the occurrence. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence and moreover, petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the nature of allegation, as regard to assault, is not specific.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner, as regard to assault, is not specific coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Athamalgola P.S. Case No. 159 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Shatrudhan Prasad Singh, who is the uncle of the petitioner and deponent of the present bail petition.”

The physical appearance of I/O of this case is dispensed with.

(Chandra Shekhar Jha, J)

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