

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8499 of 2022

Arising Out of PS. Case No.-511 Year-2020 Thana- BAIRIYA District- West Champaran

Banwari Chaudhary S/o Late Triveni Chaudhary Resident of Village- Malahi
Tola, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Bairiya
P.S. Case No. 511 of 2021 registered for the offence under
sections 341, 323, 324, 307, 504 and 34 of the Indian Penal
Code.

The accused petitioner is named in the F.I.R. and is in
custody since 07.08.2021.

The accusation against the accused/petitioner is to
assault on the head of the injured with sharp edged weapon like
farsa, caused to receive several injuries.

Learned counsel appearing on behalf of the petitioner



submitted that there is land dispute between the parties and though nature of allegation is specific against the accused/petitioner but nature of injuries contradict the version of informant for the reasons that no sharp cut injury was found upon the injured, as per injury report. It is further submitted that petitioner is 70 years old senior citizen. While arguing over the matter, it is further submitted that the chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. It is further submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the contradictions of nature of injury qua nature of weapon which has been alleged to be caused to inflict the injuries.

Considering the facts and submissions as made above, the nature of injury not supporting the nature of weapon, *prima facie*, which is alleged to be used to cause injuries, coupled with the fact that chargesheet has already been submitted as such there is no chance of tampering with the evidence, let the petitioner, above named, is directed to be released on bail in connection with Bairiya P.S. Case No. 511 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 Chief Judicial
Magistrate, Bettiah, West Champaran subject to the following
condition:

“That one of the bailors shall be
the close relative of the accused/petitioner
like daughter/son/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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