

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8624 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BIHIA District- Bhojpur

Vishal Kumar Son of Awdhesh Ram Resident of Village- Mishrawli, Police
Station- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tarakant Rishi
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Shiv Prasad Gupta

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Bihiya
P.S. Case No. 163 of 2021 registered for the offence under
Sections 147, 341, 323, 307, 379, 504, 506 and 302 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.10.2021.

The allegation against the accused/petitioner is to
participate actively alongwith other co-accused persons and to
assault the deceased.



Learned counsel appearing on behalf of the petitioner submitted that the specific allegation of assault on the head of the deceased is against Ashok Kumar @ Mantu. Even from perusal of post mortem report, it appears that nature of injury is not in corroboration with the nature of allegation, as regard to assault. It is further submitted that the petitioner is a man of clean antecedent. It is further submitted that one of the similarly situated co-accused, namely, Subedar Ram has already been granted bail by a learned Co-ordinate Bench of this Hon'ble Court vide order dated 05.01.2022 passed in Cr. Misc. No. 42032 of 2021.

Learned APP appearing on behalf of the State fairly conceded that though allegation is as regard to active participation against the accused/petitioner, the specific allegation is against co-accused, namely, Ashok Kumar @ Mantu, who is not the petitioner before the Court.

Learned counsel appearing on behalf of the informant is in agreement with the submissions of learned APP.

Considering the facts and circumstances as mentioned above and as the nature of allegation as regard to the assault against the petitioner is very much omnibus, let the petitioner, above named, is directed to be released on bail in connection



with Bihiya P.S. Case No. 163 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 Additional Chief Judicial Magistrate-1, Bhojpur at Ara, subject to the following condition:

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

(Chandra Shekhar Jha, J)

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