

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9751 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- MADHUBAN District- East Champaran

Ram Chandra Das S/o Charitra Das R/o village- Dhabauliya, P.O. and P.S.-
Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 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
Madhuban P.S. Case No. 135 of 2020 registered for the offence
under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506
and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2021.

The allegation against the petitioner is to assault the
informant's brother on his head.

Learned counsel appearing on behalf of the petitioner
submitted that from bare perusal of the F.I.R. itself, it appears



that though there is specific allegation of assault against the petitioner which caused grievous head injury but the said assault was not repeated without having any intervening circumstances, constituting thereby no intention to kill the informant's brother. It has further been submitted that the occurrence is founded over land dispute and there is case and counter case between the parties. Chargesheet has been submitted in this case and as such there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that as per F.I.R., it is appearing that blow is not repeated.

Considering the facts and circumstances as mentioned above, as there is no allegation of repeated blow without having any intervening circumstances constituting thereby no intention to kill, let the petitioner, above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 135 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be properly



represented 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 duly supported by the documents.

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

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

