

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9843 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- BENIPATTI District- Madhubani

CHALITAR DAS S/o Late Saryug Das R/o village- Balia, P.S.- Benipatti,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kumar Goutam, Advocate
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, APP
For the Informant :	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-12-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the six named accused persons including the petitioner herein are said to have come variously armed. It is further stated that as a result of assault by the petitioner who was armed with a *farsa*, the son of the informant received grievous injuries on his head. The other accused persons also assaulted.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The



same would be evident from the fact that although the petitioner and the informant happen to be full brothers, the informant describes the petitioner in the F.I.R. as his neighbour. It is further submitted that the injury report does not support the allegations, in so far as while the allegation is of assault with the sharp cutting weapon, injury found is lacerated in nature. Learned counsel for the petitioner further submits that although as per the FIR itself the place of occurrence is only 14 kms from the police station, the FIR was registered after a delay of five days without any reasonable explanation for the same. There is no repetition of blow. No independent witness has supported the prosecution case. The petitioner who has no criminal antecedent is in custody since 22.12.2021.

It is further submitted by learned counsel for the petitioner that as per the instruction received, charge has been framed in the learned trial court and Sessions Trial no. 176 of 2022 (arising out of Benipatti P.S. Case no. 102 of 2021) is pending in the court of learned Additional Sessions Judge IV, Madhubani.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned APP for the State submits that the three accused persons who



were enlarged on bail absconded and as per the report received steps are being taken for splitting up the trial of the petitioner.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, specially the fact of the informant and the petitioner being full brothers, delay of five days in lodging of the FIR, the contents of the injury report, the petitioner being in custody for more than 11 months and charge having been framed in the learned trial court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 176 of 2022 (arising out of Benipatti P.S. Case no. 102 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 the learned learned Additional Sessions Judge IV, Madhubani.

(Partha Sarthy, J)

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