

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10798 of 2022

Arising Out of PS. Case No.-711 Year-2021 Thana- MUFFASIL District- West Champaran

SATRUDHAN SHARMA S/o Late Mahesh Thakur R/o village-
Banuchhapar, Loharpatti, Ward No. 12, P.S.- Banuchhapar O.P., District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bettiah
Muffasil (Banuchhapar O.P.) P.S. Case No. 711 of 2021
registered for the offences punishable under Sections 341, 323,
307, 504, 354, 34 of the Indian Penal Code.

As per prosecution case, the petitioner along with
others having armed with Lathi Danda came at the door of the
informant and started abusing the informant and uprooting the
pillar and on the protest by informant, petitioner and others
assaulted the informant and his family members. It is further



alleged that the petitioner alongwith other having spade and Lathi with intention to kill the informant assaulted on the head of the informant due to which the informant sustained head injury and bleeding started.

Learned counsel for the petitioner submits that petitioner is in custody since 05.12.2021. Petitioner bears no criminal antecedent. Charge-sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case on behalf of the parties on the same date of occurrence. Parties are agnates and there is a dispute regarding construction of house on the land in question. No case is made out under Section 307 of the IPC. Learned counsel further submits that there is one injury on the head which is opined to be simple in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner, charge-sheet has already been submitted, injury on the informant is found to be simple in nature, argument advanced on behalf of the parties and also



taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchhapar O.P.) P.S. Case No. 711 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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