

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11463 of 2022

Arising Out of PS. Case No.-370 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Golu Kushwaha @ Golu Kumar Son of Yadunandan Kushwaha @ Vidhayak
@ Yadunandan Prasad Resident of Village- Koiri Tola, P.S.- Bettiah (T),
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-08-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with Bettiah
(T) P.S. Case No. 370 of 2020 registered for the offence under
Sections 341, 323, 324, 326, 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 16.12.2021.

The allegation against the petitioner is to assault the
son of the informant, alongwith other co-accused persons with
knife, causing grievous injury, with intention to cause death.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case



due to previous enmity. It is submitted that, as per the statement of the injured recorded u/s 161 of the Cr.P.C. during the course of investigation, it appears that it was the co-accused, Nanhe Miya, who assaulted with knife, having intention to cause death, over the chest and abdomen of the injured and only a single assault was made with knife on the back of the injured without having any intervening circumstances by this petitioner, which negate the intention of the petitioner to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as statement of injured, recorded u/s 161 of the Cr.P.C. during the course of investigation, not suggesting that assault, caused by petitioner, was made with intention to cause his death coupled with the fact that petitioner is a man of clean antecedent where chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bettiah (T) P.S. Case No. 370 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 Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present 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 of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Yadu Nandan Prasad, who is the father of the petitioner and deponent of the present bail petition.”

The physical appearance of I/O of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/-

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