

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25439 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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RAM PRASAD DAS SON OF YOGI DAS R/O VILLAGE- BUCCHAMAN,
LALOONGAR, P.S.- SADAR, DISTRICT- DARBHANGA.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Das, Advocate.
For the State	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 03-01-2022 The applicant/accused in Crime No.240 of 2020 registered with Police Station-Sadar for the offences punishable under Sections 323, 341, 325, 307, 379, 504, 506/34 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/ accused. He submits that charge-sheet is already filed after completion of investigation and the applicant is behind the bars from 10.10.2020. It is further argued that the knife is not attributed to the present applicant.

Learned A.P.P. opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the materials placed before me.



The incident in question took place on 03.06.2020 in which first informant Daya Paswan, his brother Ramu Paswan and Ravi Kumar who happens to be the son of Daya Paswan were injured. Daya Paswan had lodged report while taking medical treatment at the hospital.

According to the prosecution case, the dispute arose between neighbours who happens to be the members of the prosecuting party as well as accused persons because of a cow. It is prosecution case that the cow belonging to the members of the prosecuting party had gone near the house of the accused persons. The quarrel took place and because of that quarrel on 03.06.2020, accused persons including the applicant had assaulted the first informant Daya Paswan. Weapons attributed are wooden sticks. The second part of the incident is in respect of assault by means of knife on Ramu Paswan by accused Vimlesh Yadav. It is not averred that the applicant had used the knife in the assault.

The investigation of the crime in question is over. There is no point in further pretrial detention of the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.240 of 2020 registered with Police Station-Sadar for the offences punishable under Sections 323, 341, 325, 307, 379, 504, 506/34 of the Indian Penal Code, be released on bail on executing P.R. bond of



Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

P.S./-

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