

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17456 of 2022**

Arising Out of PS. Case No.-334 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

MUNAR CHAUDHARI S/o- Suryadev Chaudhari R/o Village- Gopalpur,
P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Informant	:	Mr. Chandra Kant, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 of the Indian Penal Code read with Sections 37(b) and 37(c) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.07.2021, charge-sheet has been submitted and has antecedent of two cases.

The informant alleges that his brother Bechu Sah was assaulted by the petitioner with an axe causing injury on his



right ear. It is further alleged that the informant's brother was rescued by the local villagers when he raised an alarm and he was taken to Sade Hospital, Siwan. Thereafter, the informant's brother was referred to Gorakhpur for better treatment. It is further alleged that the petitioner had committed the occurrence under the influence of liquor.

Learned counsel for the petitioner submits that petitioner is an innocent person and has committed no offence at all and has been falsely implicated in the present case because of previous enmity.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that informant is an eyewitness to the occurrence and no brother would falsely implicate an innocent person who has not assaulted his brother. Learned counsel further submits that though the opinion of the injury is reserved but the petitioner, under the influence of the liquor, has assaulted the brother of the informant causing serious and grievous injury. In support of which the learned counsel for the informant was showing photographs to the Court through virtual mode.

Be that as it may, considering the fact that the



petitioner, under the influence of liquor, committed the occurrence, the Court for the present is not inclined to grant bail to the petitioner in connection with Siwan Mufassil P.S. Case No. 334 of 2021 pending in the Court of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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