

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17491 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- THAKRAHA District- West Champaran

Rajeshwar Sonar @ Rajeshwar Swarnkar Son Of Nand Lal Sonar Resident of
Village - Belwari Patti, P.S.- Thakaraha, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ajit Kumar,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Thakaraha P.S. Case No. 118 of 2020 registered for the offences
under Sections 147, 149, 341, 323, 324, 325, 379, 448 and 504
of Indian Penal Code.

As per allegation on the alleged date and time of
occurrence, the accused persons were constructing a wall at the
disputed land which was objected by the informant and his
family members, and after that the accused persons attacked at
the prosecution party by means of lathi, danda, iron rod, and



Farsa and thereafter the informant's husband intervened, but he was also assaulted by petitioner by means of Farsa.

The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail for last 6 months, admittedly both the parties are agnates in between them a land dispute was running at the time of alleged occurrence and against the petitioner there is no allegation of having assaulted the informant's husband repeatedly by alleged means of Farsa and he is simply alleged to have inflicted only one blow at the informant's husband which was actually the result of a land dispute and the same shows petitioner's no intention to kill the said injured and the FIR in the present case was lodged mainly under Sections 324, 325 and other allied Sections of the IPC and the Section 307 was not initially added. Further submission is that the accused persons including the petitioner and the prosecution party are goldsmiths by profession and petitioner has no criminal antecedent.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. As per allegation the informant's husband was assaulted when he intervened to save the other injured persons and there is specific



allegation against the petitioner and he assaulted the informant's husband by means of a sharp weapon and as per the order of learned Court below an injury found at the vital part of informant's husband's body has been opined to be grievous in nature. Considering the nature of allegation appearing against the petitioner, in my view he does not deserve to bail at this stage. Accordingly his prayer stands rejected.

Petitioner may renew his bail prayer after the framing of charge before the Court below. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with this order according to merit.

(Shailendra Singh, J)

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