

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22199 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- RAGHOPUR District- Supaul

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GULABCHAND KHIRHAR S/o Lakhan Khirhar Resident of Village-
Lakshmipur Sayet, P.S.- Raghobpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 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 Raghobpur
P.S. Case No. 182/2021 registered for the offence punishable
under Sections 341, 323, 324, 307, 354(A), 379, 504, 506/34 of
the Indian Penal Code.

As per prosecution case, specific accusation against
the petitioner namely Gulabchand Khirhar is that he has
assaulted upon the head of informant by means of Khanti, as a
result of which the informant sustained injury.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.12.2021. The petitioner bears



no criminal antecedent. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case between the same parties for the same day of occurrence. There is no specific allegation against the petitioner for making repeated blow on the head of the informant. petitioner is innocent and has been falsely implicated in this case.

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, period of custody, charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner 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 A.C.J.M.-1, Birpur at Supaul, in connection with Raghapur P.S. Case No. 182/2021, 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) Petitioners 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 petitioners tamper 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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