

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24043 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- SABAUR District- Bhagalpur

Manoj Kumar Singh, Son of Shankar Singh, Resident of Village- Kashil, P.S.-
Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sabour (Goradih) P.S. Case No. 300 of 2021, registered for the alleged offences under Sections 341, 323, 307, 447, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner is the elder brother of the informant and due to land dispute, he assaulted the informant with axe causing injury on his face and sister-in-law of the informant assaulted with *dabiya* on the hand of the informant.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are full brothers and there is some land dispute between them and due to this dispute, the petitioner has been falsely implicated in this case. After investigation, the I.O. has not found the case true against the co-accused sister-in-law of the informant which implies facts stated in the FIR are not true. There is no incised wound to prove that the petitioner used axe on his brother. A lacerated wound near the left eye along with a lacerated wound on left wrist of the informant falsifies the statement made in the FIR that the petitioner assaulted the informant with an axe. The petitioner is in custody since 16.12.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that injury report does not support the claim made by the informant in the FIR and further considering the submission of charge-sheet as well as the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Bhagalpur, in connection with Sabour (Goradih) P.S. Case No. 300 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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