

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25243 of 2022**

Arising Out of PS. Case No.-135 Year-2020 Thana- MADHUBAN District- East Champaran

Sanjay Das Son Of Kapil Das R/O Village- Dhubauliya, P.S.- Madhuban,  
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      27-07-2022

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Madhuban PS case no. 135 of 2020, registered under Section 307 and other allied sections of Indian Penal Code, inasmuch as the earlier petition of the petitioner for grant of regular was permitted to withdraw with liberty to renew the prayer for bail after framing of charges, by an order dated 31.03.2022 passed in Cr. Misc. No. 43429 of 2021.

The case of the prosecution in brief is that on the alleged date and time of occurrence, the petitioner and others had engaged in assaulting the informant and his family members and as far as the petitioner is concerned, he is stated to have given an axe blow on the head of Maujelal Sah, resulting in him sustaining grievous injury on his head. The other co-accused



persons had also engaged in assaulting the members of the prosecution party resulting in them sustaining grievous injuries.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 31.01.2021. It is further submitted that the present case arises out of case and counter case and in fact, the members of the petitioner's side have also been injured in the said incident. It is the further case of the petitioner that charges have already been framed in the present case on 18.11.2021. Lastly, it is submitted that similarly situated co-accused person has also been granted bail by a co-ordinate Bench of this Court vide order dated 09.06.2022 passed in Cr. Misc. No. 9751 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the material on record as also considering the fact that this Court had granted liberty to the petitioner to approach this Court for renewal of his prayer for bail after framing of charges, which have now stood framed, apart from considering the parity of the case of the petitioner



with that of the co-accused person, who has already been granted bail, as aforesaid, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly the above-named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate 1<sup>st</sup> Class, East Champaran, Motihari in connection with Madhuban P.S. Case No. 135 of 2020 dated 19.05.2020.

**(Mohit Kumar Shah, J)**

Tiwary/-

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