

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32368 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- MADHEPURA District- Madhepura

PHOOL CHAND KUMAR Son of Surendra Mukhiya @ Suren Mukhiya
Resident of Village - Madhuwan, Police Station- Madhepura (Bharrahi O.P.),
District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2022 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 State.

Petitioner seeks regular bail in Madhepura (Bharrahi
O.P) P.S. Case no. 184/2022 registered for the offences
punishable under sections 307, 324, 354, 379 and other allied
sections of the Indian Penal Code.

As per allegation, petitioner and co-accused persons
encroached the land of the informant and started putting a hut
over the land which was objected by the informant and
thereafter petitioner started assaulting the informant and then
informant's son, cousin brother and wife arrived there but they



were also assaulted by the accused persons and the petitioner allegedly assaulted on the head of the informant's son and also assaulted on the head of cousin brother of the informant during that course.

The main submissions advanced by Sri Uday Chand Prasad, learned counsel appearing for the petitioner are that petitioner has been languishing in jail since 27.02.2022, only one injury of one of the injured has been opined to be grievous and others are simple in nature as per injury reports issued by the doctor. In between both sides there was a land dispute, both parties are neighbour and the petitioner has got clean antecedent, occurrence was not stated to be committed in a planned manner and the same was at the spur of the moment due to land dispute.

Sri Ram Naresh Ray, learned APP appearing for the State has opposed the prayer for bail and submitted that petitioner assaulted three persons and allegation made against him is corroborated from injury reports of so-called injured persons.

Heard both sides, perused the FIR and injury reports of the injured persons submitted by learned counsel for the petitioner as Annexures 3 and 4. Serious allegation appears against the



petitioner as he not only assaulted the informant but also assaulted his family members when they intervened to save the informant and against petitioner there is a specific allegation of having assaulted the injured persons by means of Dabiya and sharp cut injury was found on the persons of the injured persons and one injury of the injured Basudev Mandal is opined to be grievous in nature. It has been specifically alleged that the petitioner assaulted the injured persons by means of Dabiya.

Considering the nature of allegation appearing against the petitioner, in the opinion of this court, the petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and take steps to conclude the same at the earliest. If the trial of the petitioner is not concluded in the next one year, he may renew his prayer for bail before the trial court. If he avails the said liberty, the trial court shall decide the bail petition on merits without being prejudiced by this order.

(Shailendra Singh, J)

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