

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29594 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- MALI District- Aurangabad

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Mahesh Ram Son Of Late Chandar Ram Resident Of Village- Dudhmi, P.S-
Mali , Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Leelawati Kumari, Advocate
For the Opposite Party/s	:	Mr.Rana Randhir Singh, APP
		Mr. Yugal Kishore, APP
For the Informant	:	Ms. Rupa Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 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 Mali P.S. Case No. 25 of 2022 registered for the alleged offences under Sections 341, 323, 307 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons took away the minor son of the informant and co-accused Sonu Kumar hit him on his head with brick causing fracture of his head. The allegation against the petitioner and co-accused Sangeeta Devi that they had caught the hand and legs of the victim



while he was being hit by the co-accused Sonu Kumar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is no allegation of assault against this petitioner which is specific to co-accused Sonu Kumar. It is not believable that the petitioner would catch hold of six years old boy and allow the co-accused to assault him with bricks. The injury found on the victim is a single injury on his head and opinion has been reserved and it has been found to be grievous. Learned counsel further submits that the co-accused Sonu Kumar is mentally ill and under treatment. This fact even came up during investigation. The petitioner has filed Mali P.S. Case No. 26 of 2022 against the informant and others for assault on himself, his co-accused wife Sangeeta Devi and son Sonu Kumar for the occurrence of same date. Charge sheet has been submitted in this case and the petitioner is in custody since 23.03.2022.

Learned counsel appearing on behalf of the informant and learned APP for the State oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the six years old son of the informant was brutally assaulted by co-accused and this petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that allegation of assault is not against this petitioner and further considering the improbability of allegation against this petitioner and also submission of charge sheet



along with his period of custody, the petitioner above named 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, Aurangabad in connection with Mali P.S. Case No. 25 of 2022, 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 a close relative of the petitioner.
- (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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