

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29625 of 2022

Arising Out of PS. Case No.-322 Year-2020 Thana- CHOUTARWA District- West
Champaran

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MOTI SONAR @ MOTILAL SONAR Son of Nathuni Sonar Resident of
Village - Rataval, PSs.- Chautarava, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 24-08-2022 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 a case registered for the

offences punishable under Sections 324, 307, 379 and other allied

sections of the Indian Penal Code.

As per allegation, the accused persons including the

petitioner firstly abused the informant on account of dispute of

throwing dirty water on the road and thereafter co-accused Heera

Sonar inflicted **Farsa** blow on the head of the informant owing to

that informant fell down then petitioner assaulted behind portion of

the head of the informant by means of Rama and during that course,

informant's brother rushed to the spot who was also assaulted by co-



accused persons.

The main submissions advanced by Sri Ravi Kumar, the learned counsel appearing for the petitioner are that both parties are agnates of each other and there is case, counter case between the parties, petitioner has been languishing in jail since 26.9.2021 and injury found at the head of the informant as described in the order of the court below is not corroborative to the allegation made against the petitioner in the FIR as petitioner is alleged to have inflicted Rami blow but as per observation made by the court below in the order impugned lacerated wound was found on parietal temporal region. Further submission is that co-accused Heera Sonar carrying similar nature of allegation who is also alleged to have inflicted farsa blow at the head of the informant has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 22894 of 2022 and co-accused Arjun Sonar has also been considered by different bench of this court vide order passed in Cr. Misc. no. 18000 of 2021.

Sri Shyam Kumar Singh, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account that similarly situated co-accused have been granted bail vide order passed in the above mentioned miscellaneous case and also considering the genesis of the occurrence, petitioner's custody period, his clean antecedent, in the opinion of this court, a



lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Bagaha, West Champaran in Chautarava P.S Case No. 322 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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