

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33980 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- SAHARGHAT District- Madhubani

RAM PUKAR PRASAD Son of Ram Chandra prasad Resident of Village -
Kerwa Khirodani Tola, P.S. - Saharghat, District - Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar, Advocate
For the Informant	:	Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2022 Heard Mr. Ranjit Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Hans Lal Kumar, learned counsel
for the informant and Mr. Vinod Shanker Modi, learned A.P.P.
for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 18.04.2022,
seeks regular bail in connection with Saharghat P.S. Case No. 93
of 2021, for the offence punishable under Section 341, 323, 307,
354, 379, 504, 506/34 of the Indian Penal Code.

Prosecution story in brief, the informant has
specifically alleged against the petitioner that he had assaulted
one Jai Prakash with *Katta* on his head with an intention to kill
him.



Learned counsel appearing on behalf of the petitioner submitted that due to land dispute between the parties, who are agnates, indulged into ugly fight and out of sudden provocation, in his self defence, the petitioner without any intention had assaulted the husband of the informant, who had sustained injury on his head and said injury is simple in nature. Even the injury report shows that a lacerated wound has been found whereas specific allegation is that the petitioner had assaulted with *Katta* also falsifies the allegation made against the petitioner. Petitioner is in custody since 18.04.2022.

Learned counsel appearing on behalf of the informant submitted that the informant had tried to pacify the fight between the parties and in return the petitioner had complained that he is the one who had saved the other side, therefore, with an intention to kill the husband of the informant he had inflicted *Katta* blow on his head.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of the allegation made in the F.I.R. specific allegation against the petitioner is that he had assaulted with *Katta* on the head of the husband of the informant, injury report shows that injury is simple in nature and is lacerated which creates doubt as there is no incised injury found on the forehead of the husband of the informant. There is



some ongoing land dispute between the parties, charge sheet has already been submitted and there is no likelihood of the trial to be concluded in near future, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M. II, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 93 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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