

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35112 of 2022

Arising Out of PS. Case No.-542 Year-2021 Thana- MUFFASIL District- West Champaran

GORAKH PANDEY Son of Late Kanti Pandey Resident of Village - Singha
Chhapar, P.s.- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 3 APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Bettiah Mufassil P.S

Case No. 542 of 2021 registered for the offences punishable

under Sections 307, 354, 504 and other allied sections of the

Indian Penal Code.

As per allegation, on the alleged date and time of the

occurrence, a dispute arose between both parties with regard to

taking water from a hand pump and the accused persons

including the petitioner assaulted the informant and his wife as a

result of which they became injured and it is alleged that this

petitioner assaulted the informant on his head by Farsa.

The main submissions advanced by learned counsel Shri



Sanjeev Kumar appearing for the petitioner are that the F.I.R clearly shows that the alleged occurrence was not committed in a planned manner and the same took place in the spur of moment and dispute with regard to taking water from a hand pump having arisen in between both the parties who are agnates is stated to be the genesis of the occurrence and the petitioner is not alleged to have assaulted the informant repeatedly and as per the F.I.R he is alleged to have inflicted a single blow at the informant. Further submission is that the petitioner is alleged to have inflicted a Farsa blow at the head of the informant but the injury found at the scalp of the informant has been opined to be lacerated wound and same is not corroborated from the nature of the weapon as alleged in the F.I.R and the petitioner has clean antecedent, he has been languishing in jail since 10.04.2022, against him investigation has been completed.

Sri Binod Kumar No.3, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the F.I.R. In view of above submissions and mainly considering the genesis of the occurrence and also the fact that the petitioner is not alleged to have inflicted Farsa blow repeatedly and moreover, the nature of the weapon which was allegedly used by this petitioner in the



alleged occurrence does not get corroboration from the nature of the injury of informant as described in the order of the learned court below and also taking into account the petitioner's clean antecedent, in 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 C.J.M., Bettiah, West Champaran in Bettiah Mufassil P.S Case No. 542 of 2021 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.

(4) 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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