

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44882 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- NOKHA District- Rohtas

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Shri Bhagwan Mali Son of Late Awadhesh Mali Resident of Village- Baraon,
P.S.- Nokha, District- Rohtas. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nokha P.S. Case No. 46 of 2020 lodged under Sections 147,
148, 149, 341, 323, 307, 302 of the I.P.C., 1860 and Section 27
of the Arms Act.

As per the prosecution case, the specific allegation
against the petitioner is to assault the deceased by iron rod on
the head of the informant's father due to which he fell down and
subsequently during treatment he died.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 16.09.2020 having
clean antecedent. Learned counsel for the petitioner submits that
there is direct allegation against petitioner to assault the
deceased, but he submits that there is allegation of only one
blow and no allegation of repeated assault on the present

petitioner. He submits that from the F.I.R. it transpires that both informant and petitioner belong to the same family and same village and due to land dispute, the present occurrence took place. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. Upon specific query that whether charge has framed or not, learned counsel has shown his inability to inform this Court.

Learned counsel for the State opposes the prayer for bail and submits that there is a direct allegation against the present petitioner, who assaulted the deceased by iron rod.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but hereby directing the trial Court that he shall release the petitioner on bail after 3 months from the date of framing of charge imposing its own conditions so petitioner shall not evade from trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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