

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45177 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- BAGHA District- West Champaran

BHAGIRATHI RAM S/o Late Budhan Ram Resident of Village- Bargaon,
P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar, Advocate.

For the Opposite Party/s : Mr.Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Bagaha P.S. Case No. 07 of 2021 for the offence punishable
under Sections 341, 323, 307 and 504/34 of the Indian Penal
Code.

The prosecution story, in brief, is that the petitioner
along with other accused persons came at the door of the
informant and started assaulting him due to the dispute
regarding passage. Petitioner assaulted him by means of lathi
causing injury on his head and other co-accused assaulted his



son, daughter and other family members.

Learned counsel appearing on behalf of the petitioner submits that the allegation against the petitioner is that he has assaulted the informant with an intention to kill him on his head, but the injury is simple in nature. There is case and counter case between the parties. In this regard, he has made specific submission in Para-7 of the bail application that petitioner's side has also lodged a case being Bagaha P.S. Case No. 06 of 2021 dated 04.01.2021 before lodging of the present case. Admittedly, there is dispute regarding passage in between house of both sides and there was no intention of the petitioner to make assault, it was mere spur of the moment that led to such mishappening. Petitioner is in custody since 20.03.2021.

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

Considering the aforesaid submission of the petitioner as well as the fact that both the parties are on inimical terms and due to which out of spur of the moment, petitioner is alleged to have assaulted by means of hard and blunt substance on the head of the informant and the injury is simple in nature, there is case and counter case between both the parties, the petitioner, above named, is directed to be enlarged on bail on furnishing



bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 7 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)

mantreshwar/-

U		T	
---	--	---	--

