

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37893 of 2022**

Arising Out of PS. Case No.-488 Year-2021 Thana- GHORASAHAN District- East
Champaran

Prabhu Mali Son of Amiri Ali Resident of village- Chhauradano, P.S.-
Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-11-2022 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
Ghorasahan (Jitna) P.S. Case No. 488 of 2021 lodged under
Sections 147, 341, 323, 307, 302 and 120B of the I.P.C.

As per the prosecution case, the informant has
submitted in a written report that on 14.11.2021 at about 2.00
A.M. He alongwith his brother and father was sitting at his door
then his neighbour Jitendra Mali and Ajay Mali started
quarreling with each other and thereafter the informant's father
raised voice to pacify the quarrel and then all the named accused

persons including the petitioner came at the door and abused his father and assaulted him with slap and they also assaulted the informant, his brother and family members of the family in which all the accused persons tossed down his father. In result, he sustained injury and during the treatment he died.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that there is general and omnibus allegation against the petitioner alongwith other accused persons to quarrel with the deceased. He submits that the antecedent of the petitioner is clean and he is in custody since 01.04.2022. Counsel further submits that as per the FIR it transpires that the alleged occurrence was caused on 14.11.2021 at 2 P.M. noon but the present F.I.R. has been filed on 16.11.2021 after death instead of the fact that the distance between the place of occurrence and the police station is just 2 k.m.

Learned counsel for the State opposes the prayer for bail and submits that there is an allegation in the F.I.R. that the petitioner has assaulted.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan (Jitna) P.S. Case No. 488 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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