

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43817 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- BAKHTIYARPUR District- Patna

Preman Mochi, Son of Late Keshav Das, R/O Village- Rawaich, P.S.-
Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bakhtiyarpur P.S. Case No. 89 of 2021
registered for the alleged offences under Sections 341, 323, 324,
379 and 308/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-
accused persons, variously armed, came to the house of the
informant and attacked the informant and his family members.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Due to family dispute a free fight occurred and both the



sides received injuries. Only one injury on Shankar Mochi was found to be grievous. The petitioner is not the author of the said injury and the injury allegedly caused by this petitioner has been found to be simple in nature. All allegations levelled against the petitioner and other co-accused persons are general and omnibus. There is no independent eye-witness to the occurrence. A number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 24.05.2022 passed in Cr. Misc. No. 5202 of 2022, order dated 25.05.2022 passed in Cr. Misc. No. 6117 of 2022, order dated 15.06.2022 passed in Cr. Misc. No. 10078 of 2022. The case of the petitioner is on similar footing. The petitioner is in custody since 20.12.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury caused by this petitioner as submitted and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Additional District Judge-V, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 89 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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