

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40916 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- RAMGARHWA District- East
Champaran

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MANOJ DAS SON OF LATE SUKAT DAS @ SUKATI DAS RESIDENT
OF VILLAGE- MURLA, POLICE STATION- RAMGARHWA, DISTRICT-
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Ramgarhwa P.S. Case No. 112
of 2022 registered for the offences punishable under sections
307/34, 323 and 341 of the Indian Penal Code.

As per the allegation, on the alleged date and time of
occurrence, accused persons including the petitioner came at the
door of the informant and on the order of Manoj
Das(Petitioner), co-accused Saruabh Kumar assaulted on the
head of the informant with Farsa as a result of which he became
injured and fell down and when brother of the informant came

to save the informant, he was also assaulted with lathi.

The main submissions advanced by learned counsel Shri Karandeep Kumar appearing for the petitioner are that there is land dispute between the parties, petitioner has been languishing in jail since 26.04.2022, as a matter of fact, due to land dispute there was free fight between the parties in which informant and his brother sustained simple injuries and as per the allegation, petitioner is an order giver, the petitioner has also filed a complaint case which is pending before the learned court below.

Shri Bharat Lal, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the FIR and the injury report reports filed by the petitioner in respect of the injured persons of the present case. The FIR goes to show that at the time of alleged occurrence there was no good relation in between both the parties. As per the FIR the petitioner is alleged to have instigated the accused persons who were nine in number to assault the informant and in the effect of that, co-accused Saurabh Kumar inflicted a Farsa blow at the head of the informant and when informant's brother intervened to save the informant, he was also assaulted by the co-accused persons. Petitioner is alleged to be array as an order giver as well as has

led the other co-accused persons in commission of the alleged occurrence. Two persons are stated to have sustained injuries in the instant matter and their injury reports submitted by petitioner's counsel as annexure 2 and 3 which show that both the injured persons sustained simple injury and most of their injuries have been found as abrasion and swelling except one injury on the body of the injured Alok Ranjan Shrivastava which is specifically alleged to have been caused by the co-accused. Though the nature of allegation appears against the petitioner is serious but considering the doctor's opinion with regard to the nature of injury as well as the nature of allegation made against the petitioner in the FIR and also his custody period and the stage of his case, in the opinion of this Court the petitioner deserves to a lenient approach of this Court.

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 Sub Divisional Judicial Magistrate, Raxaul, at Motihari, East Champaran in Ramgarhwa P.S. Case No. 112 of 2022.

Hassan/maynaz/-

(Shailendra Singh, J)

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