

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41303 of 2022**

Arising Out of PS. Case No.-142 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Nagendra Singh R/O Village- Amma, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mayuri, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2022 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 Ara Muffasil P.S. Case No. 142 of 2022
registered for the alleged offences under Sections 147, 148, 149,
341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-
accused persons attacked the house of the informant and they
were variously armed. The allegation against this petitioner is
that he gave knife blow in the abdomen of the nephew of the
informant while other co-accused persons have been holding
him. The nephew of the informant received grievous injuries.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as there is a land dispute between the parties. The prosecution story appears to be false and concocted and if the petitioner would have attacked with intention to kill, he would have inflicted multiple blows but no such occurrence has been reported and it creates a doubt over the prosecution case. For this reason, no offence under Section 307 IPC would be made out against the petitioner. It also shows the petitioner has no intention or motive to commit the act of murder. No weapon of injury has been recovered from the possession of this petitioner, who was arrested from his residential house and therefore not even aware about the frivolous allegation levelled against him. No credible evidence has come on record to prove the alleged injuries or to prove the fact whether the injured were admitted in a hospital or not. The petitioner is in custody since 14.05.2022 and charge sheet has already been submitted. The petitioner is having no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the nature of allegation in the background of land



dispute with possibility of false implication and further considering his period of custody and the 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 Sessions Judge-Vth, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 142 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be 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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