

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48142 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- PALANWA District- East Champaran

Dharamveer @ Dharamveer Chaurasiya Son of Bhola Raut Resident of village - Bhelahi, Ward No.- 10, P.S.- Palanwa (Bhelahi O.P.), District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Palanwa P.S. Case No. 150 of 2022 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 353, 332, 511, 506 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 15.07.2022.

The allegation against the petitioner is to prevent police officials while taking actions against some persons involved in smuggling of clothes across the Indo-Nepal border.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in this case



by local person and allegation as raised through F.I.R. to lead the mob is only to aggravate the allegations against this petitioner. It is further submitted that the alleged received injury is simple in nature, which is sufficient to suggest that petitioner was not under intention to cause death, whereas allegations suggest to be general and omnibus in nature alongwith 40-50 persons who are the part of the mob. It is also submitted that petitioner involved in 4 more criminal cases, where he is on bail in all 4 cases and for said criminal antecedent the petitioner involved in present case on the basis of suspicion arises out of criminal antecedent, where in one case final form has already submitted, whereas in one case which is related with electricity, petitioner already acquitted after depositing required fine. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is very much general and omnibus being part of the mob coupled with the fact that charge-sheet has been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Palanwa P.S. Case No. 150 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran/concerned Court, subject to the conditions as follows:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Bhola Raut, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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