

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48397 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- BHAPTIAHI District- Supaul

=====

ASHARFI MEHTA S/o Anup Mehta Resident of Village- Simri, P.S.-
Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Jai Narain Thakur

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Counsel for the petitioner is permitted to make necessary
correction in the prayer portion of the main application in course of
the day.

Learned counsel for the petitioner is directed to remove
the defect(s) as pointed out by the office within a period of four
weeks.

The petitioner seeks bail in a case initially registered
under Sections-341, 323, 307/34 of the Indian Penal Code but later
on, charge sheet was submitted under Sections-307, 302, 201/34 of
the Indian Penal Code.

Prosecution case in short is that the petitioner and other
co-accused allegedly assaulted the deceased on head by means of
iron rod.

It has been submitted that the petitioner has got no



criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 29-04-2022. Charge sheet has already been submitted in this case. The petitioner has been made accused due to mistake of fact. During trial, the informant was examined as P.W. 1 and in course of trial, she has been declared hostile by the prosecution. She has not supported the prosecution case during trial.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Supaul in connection with Sessions Trial No. 324 of 2022 arising out of Bhaptiyahi P.S. Case No. 105 of 2020.

It is made clear that the petitioner will cooperate in the trial and if, the trial court finds that the petitioner is not cooperating in trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

