

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60386 of 2021**

Arising Out of PS. Case No.-243 Year-2019 Thana- PARASBIGHA District- Jehanabad

NAULESH BIND S/o Faresh Bind R/o village- Hirdanchak, P.S.- Parasbigaha,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Parasbigaha P.S. Case No. 243 of 2019 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307 and 302 the Indian Penal Code.

The prosecution case is that informant got information from Sonarik Bind that due to frivolous matter some altercation took place between elder brother of informant namely Amrik Bind, and one of his villagers, Ram Pyare Bind, on account of which his brother Amrik Bind was assaulted by the petitioner



and co-accused persons with *lathi, danda, rod and garasi*. The injured was admitted in Sadar Hospital, Jehanabad where he died during treatment.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The informant is not an eye witnesses. Eight persons have been named as assailants along with 3 to 4 other persons but from the post-mortem report, it is apparent that only three external injuries were found on the body of the deceased. This falsifies the story of the informant. Moreover, the allegations are general and omnibus against this petitioner. Even from the FIR, it is apparent that the quarrel of the deceased was with one Ram Pyare Bind and not with this petitioner. Learned counsel further submits that other similarly placed co-accused persons have been allowed anticipatory bail by the learned court below. Charge sheet has been submitted in this case and the petitioner is in custody since 30.04.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that due to assault by petitioner and other co-accused persons named in the FIR, brother of the petitioner died.

Having regard to the submissions made hereinabove



and considering the fact that there is no specific allegation against the petitioner and further considering the period of custody of the petitioner and submission of charge sheet against him, 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 Chief Judicial Magistrate, Jehanabad in connection with Parasbigaha P.S. Case No. 243 of 2019, subject to 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 for 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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