

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63788 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- PARASBIGHA District- Jehanabad

Shrawan Saw Son of Late Budhlal Saw Resident of Village - Dohiya, P.S.-
Parasbigha, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Parasbigha P.S. Case No. 99 of 2021, lodged under Sections
447, 341, 323, 302, 379, 504, 34 of the Indian Penal Code.

As per prosecution case, the informant has disclosed
that when they are taking dinner in their house, in the mean time
the named accused persons including the present petitioner has
visited and upon order of petitioner accused Vikash Kumar has
assaulted by iron *khanti* on the head of son of informant. He
sustained injury, fell down and became unconscious
subsequently died in the Hospital.

Learned counsel for the petitioner submits that the informant and the petitioner both are agnates and co-parceners. He further submits that there is a long pending land dispute between them. He also submits that specific allegation to assault by iron *khanti* is upon Vikash Kumar, the son of petitioner. He further submits that from the F.I.R. it transpires that petitioner is order giver. Learned counsel for the petitioner further submits that petitioner is in custody since 12.08.2021 having clean antecedent and petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is order giver.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the entire occurrence took place in furtherance of common intention. He further submits that it is the petitioner on whose instigation the entire occurrence took place, he has directed his son Vikash Kumar to assault, therefore, his bail application may be rejected.

Upon specific query that whether charge has been framed or not, learned counsel for the informant submits that as per his knowledge, charge has already been framed in this case and he assures this Court that within two months he shall

adduce evidence being a prosecution witness.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but hereby granting liberty to the present petitioner to move for bail after two months of framing of charge.

The trial court upon move for bail after 2 months of framing of charge shall release the petitioner on bail imposing its own conditions so that he shall not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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