

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68133 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- JHANJHARPUR District- Madhubani

LAXMI AGHORI S/o Late Sukdev Aghori Resident of Village - Jhanjharpur,
Ram Chowk, Ward No. 05, P.S. - jhanjharpur, District - madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jhanjharpur P.S. Case No. 38 of 2020, G.R. No. 354 of 2020 for
the offence registered under Sections 341, 323, 326, 307, 354,
379 and 504/34 of the Indian Penal Code.

The allegation is regarding the accused persons
having assaulted the informant and her family members. As far
as the petitioner is concerned, he is stated to have inflicted a
knife blow on the cheek of the informant. One co-accused
person namely Lal Aghori is stated to have inflicted iron rod
blow on nose of the informant.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case and he is languishing in custody since 17.06.2021. The learned counsel for the petitioner has also submitted that though the petitioner is an accused in one other case but he is on bail in the said case and the said case has also been filed by his own brother. It is further submitted that on account of land dispute, case and counter case are being filed against each other. Lastly, it is submitted, by referring to the impugned order dated 24.09.2021, that only lacerated wound over the right cheek of the informant has been found which in any view of the matter is not grievous in nature, however, the fracture of bilateral nasal bone found on the person of the informant is at best attributable to the co-accused person namely Lal Aghori and not the petitioner herein.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that at best the overt act qua the petitioner herein can be stated to have resulted in a lacerated wound being inflicted over the right cheek of the informant, which in any view of the matter is not grievous in



nature apart from the fact that he is languishing in custody since 17.06.2021 i.e. since about 11 months, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Jhanjharpur, Madhubani in connection with G.R. No. 354 of 2020 arising out of Jhanjharpur P.S. Case No. 38 of 2020.

(Mohit Kumar Shah, J)

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