

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67330 of 2021

Arising Out of PS. Case No.-107 Year-2021 Thana- PAHARPUR District- East Champaran

Ramesh Prasad, S/o Bishwanath Prasad, R/o Village/Mohalla - Noneya
Awarahan, P.S. - Paharpur, District - East Champaran (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Aslam Ansari, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within 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 Sessions Trial No. 523 of 2021, arising out of
Paharpur P.S. Case No. 107 of 2021, registered for the alleged
offences under Sections 341, 323, 324, 307, 352, 504, 34 of the
Indian Penal Code.

As per the prosecution case, the petitioner and other
co-accused persons attacked the house of the informant and
assaulted the informant and his family members with *farsa*, iron
rod, *bhala* and *barchhi* causing a number of injuries to them.



The allegation against the petitioner is that he gave *farsa* blow on the head of the informant causing injury on the right part of the head leading to bleeding.

The learned counsel for the petitioner submits that no occurrence as alleged has taken place. In fact, the informant's side is aggressor and Paharpur P.S. Case No. 106 of 2021 has been lodged by the petitioner's side prior to the registration of the case of the informant. The said case was lodged by the wife of one of the accused persons against the informant and others for the offences under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code. As a counterblast, the said case has been lodged by the informant. The learned counsel further submits that there is delay of three days in lodging of the FIR which remained unexplained. The injury on the petitioner's side has not been explained by the informant. On the facts of the case, it is apparent that the allegation against the petitioner is that of giving *farsa* blow on the head of the informant, but the injury report of the informant shows only lacerated wound and swelling. No incised or deep cutting wound has been observed on the head of the informant. The doctor has opined that the injuries on the informant are caused by hard and blunt substance. So the petitioner could not be the author of the



injuries. Moreover, both sides are agnates and there is land dispute between the parties. The petitioner is in custody since 01.08.2021. The charges have already been framed in this case. The petitioner is having one case pending against him in which he is on bail.

Learned A.P.P. though opposes the prayer for bail, but concedes that no injury as alleged against the petitioner has been found on the person of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of injury sustained by the informant and the allegation made against this petitioner which do not match and further considering the framing of charge against the petitioner and the period of his custody, the petitioner 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 14th Additional Sessions Judge, Motihari, East Champaran, in connection with Sessions Trial No. 523 of 2021, arising out of Paharpur P.S. Case No. 107 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on 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)

V.K.Pandey/-

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