

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67889 of 2021

Arising Out of PS. Case No.-407 Year-2019 Thana- WAJIRGANJ District- Gaya

JANARDAN SINGH SON OF LATE JAGESHWAR SINGH RESIDENT OF
VILLAGE- MAYAPUR, POLICE STATION- WAZIRGANJ, DISTRICT-
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra 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
Wazirganj P.S. Case No. 407 of 2019 for the offence registered
under Sections 341, 324, 308, 504, 506/34 of the Indian Penal
Code. Later on Sections 324, 326 and 307 of the I.P.C. was
added to the set of allegations.

The allegation is regarding the accused persons
including the petitioner herein having been engaged in
ploughing a piece of land when the informant and his father had
arrived there and had objected to the accused persons ploughing
the field in question, whereupon the co-accused persons namely
Vijay Kumar and the petitioner herein are stated to have



assaulted the father of the informant by means of a khanti (iron rod) resulting in him receiving injury.

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 08.09.2021. It is further submitted that the petitioner is accused in one other case which pertains to theft of electricity but he is on bail in the said case. It is also submitted by referring to the injury report of the father of the informant namely Subal Singh that an incised wound has been found on the left side of the head. It is next submitted that though it has been alleged that the son of the petitioner and the petitioner had assaulted the father of the informant resulting in the father of the informant being inflicted with injuries at two places on his person, however, only one injury has been found to be grievous in nature which, in any view of the matter is not attributable to the petitioner herein inasmuch as the petitioner is firstly aged about 70 years and secondly his son has been alleged to be the main aggressor, hence it is submitted that benefit of doubt can be granted to the petitioner for the purposes of grant of bail more so considering the period of incarceration.

Per contra, the learned A.P.P. 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 the son of the petitioner and the petitioner are alleged to have inflicted khanti (iron rod) blow on the father of the informant but only one incised wound has been found on the head of the informant, hence benefit of doubt can be granted to the petitioner who is said to be 70 years old and is languishing in custody since about eight months, thus 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.-I, Gaya in connection with Wazirganj P.S. Case No. 407 of 2019.

(Mohit Kumar Shah, J)

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