

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70932 of 2021

Arising Out of PS. Case No.-341 Year-2021 Thana- BETTIAH CITY District- West
Champaran

IRSHAD DEWAN S/o Nurain Dewan R/o village- Feta Phulwariya, P.S.-
Bara, District- Parsa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 353, 504 and 506 of the Indian Penal Code read with Section 42 of the Prisoners Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 06.08.2021, charge-sheet has been submitted in the case, has antecedent of one case and the informant alleges that the petitioner along with four named accused persons assaulted prisoners Vinay Pathak and Chhotu Rao while they were going to their ward after meeting the informant, further Vinay Pathak was assaulted on head causing



injury.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation of assault is general and omnibus in nature, no specific role of assault has been attributed against any of the named accused persons in the F.I.R. It is further submitted that the case is under Section 323 of the I.P.C. as such the nature of injury cannot be grievous, it is also submitted that Section 353 of the I.P.C. was not initially added when the F.I.R. was instituted but was subsequently added after about two months of the occurrence.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 06.08.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 341 of 2021 with a condition that



one of the bailors of the petitioner shall be his cousin brother,
Kausar Alam.

(Satyavrat Verma, J)

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