

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1341 of 2022

Arising Out of PS. Case No.-324 Year-2020 Thana- KESARIA District- East Champaran

AMRESH PASWAN Son of Babu Ram Paswan Resident of Village- Pakri
Dixit, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 326, 307 and
324/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.06.2021, charge-sheet has been
submitted and has antecedent of four cases.

The informant alleges that the petitioner along with
Sohan Lal Rai and Mohan Lal Rai were standing on the road
outside his house in intoxicated condition. Further, the
informant went to attend the call of nature outside his house and
when he was entering the house, Sohan Lal Rai and Mohan Lal



Rai caught the informant and petitioner stabbed him causing injury in the abdomen as a result of which his intestine came out.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for reasons best known to the informant and the FIR is completely silent that as to why the occurrence took place. Learned counsel further submits that it absolutely does not stand to reason that an occurrence would be committed without any motive or reason. Learned counsel also submits that though the injury report records injury caused by stabbing but then the same is of a private hospital and if an occurrence of stabbing had taken place and even if the informant was admitted in a private hospital then also an FIR ought to have been instituted either by the informant or his family members. Learned counsel further submits that the date of occurrence is 06.08.2020 and the FIR was instituted on 14.08.2020 i.e. after an inordinate delay of eight days without any plausible explanation.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that there is specific allegation against the petitioner of stabbing the informant and has criminal antecedent also but is not able to



meet the submission of the learned counsel for the petitioner that there is an inordinate delay in instituting the FIR without any plausible explanation.

Considering the fact that the petitioner is in custody since 08.06.2021, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kesariya P.S. Case No. 324 of 2020, one of the bailors shall be the father of the petitioner (Babu Ram Paswan) and further if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner then in that event the learned court below shall forthwith cancel the bail bond of the petitioner by recording reasons.

(Satyavrat Verma, J)

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