

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4375 of 2023

Arising Out of PS. Case No.-59 Year-2017 Thana- CHANPATIA District- West Champaran

Lal Babu Sah Son Of Late Paspas Sah Resident Of Village- Puraina, Pasi
Tola, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehended his arrest in connection with Chanpatiya P.S. Case
No.59 of 2017 registered for the offences punishable under
Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal
Code.

The basis of the present case is complaint petition of
complainant/informant, where petitioner alleged to cause *farsa*
blow on the head of complainant causing injury and also to
assault her family members collectively by means of *lathi* and
rod alongwith other co-accused persons causing bodily injuries,
having intention to cause their death.



Learned counsel appearing on behalf of the petitioner submitted that alleged assault as caused by this petitioner is single without having any intervening circumstance, which is sufficient to suggest that petitioner was not under intention to cause death of complainant and as such importing allegation under Section 307 of the Indian Penal Code, appears only to aggravate the allegation. It is submitted that nature of injury reported after medical examination is 'simple' which is not sufficient to cause death of complainant in ordinary course of nature. While concluding the argument it is submitted that petitioner found involved in one more criminal case, where he is on bail.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact that nature of injury, which is simple, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran,



Bettiah/concerned Court below where the case is pending in connection with Chanpatiya P.S. Case No.59 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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