

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14359 of 2023

Arising Out of PS. Case No.-151 Year-2022 Thana- GHORASAHAN District- East
Champaran

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Mukesh Kumar S/O Late Gorakh Sah R/v - Gandhi Nagar, P.S.- Ghora Sahan,
District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Ghora Sahan P.S. Case No. 151 of 2022
registered on 28.03.2022 for the alleged offences under Sections
341, 323, 307, 504 and 506 of the Indian Penal Code.

04. As per prosecution case, the petitioner and other
co-accused persons surrounded the informant when he was
going to market and allegation against the petitioner is that he
gave a *farsa* blow on the head of the informant, causing injury
to him and other co-accused persons assaulted the informant



with fists and slaps.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to political rivalry with the uncle of the informant. The fardbeyan has been recorded after two days of the occurrence and the F.I.R. has been registered subsequently on 28.03.2022 while the occurrence is stated to have taken place on 18.03.2022. From the FIR, it is evident that the specific allegation against the petitioner is of giving *farsa* blow on the head of the informant, but from perusal of the injury report, it is clear that head injury has been caused by hard and blunt object for which there is no allegation against the petitioner. The petitioner has got no criminal history and he is in custody since 04.01.2023. Charge-sheet has been submitted.

06. Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner for giving *farsa* blow on the head of the informant. However, he concedes that the injury as mentioned in the rejection order of the learned Additional Sessions Judge states only about the grievous injury caused by hard and blunt substance.

07. Having regard to the facts and circumstances and considering the rival submissions made on behalf of the parties



and further considering the absence of any sharp-cut injury on the head of the informant alongwith the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dhaka, East Champarant, Motihari in connection with Ghora Sahan P.S. Case No. 151 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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)

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