

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22640 of 2023

Arising Out of PS. Case No.-220 Year-2021 Thana- KISHUNPUR District- Supaul

Ramchandra Mehta Son Of Late Dukhi Mehta Resident Of Village -
Dubiyahi, Ward No. 05, Police Station - Kishanpur, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 565 of 2022, arising out of Kishanpur P.S. Case No. 220 of 2021 registered on 05.11.2021 for the alleged offences under Sections 341, 323, 324, 325, 307, 354B, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute, petitioner assaulted the husband of the informant with Farsa giving blow on the head and the blood started oozing out. Other co-accused persons also assaulted the husband of the informant, her brother-in-law and the informant herself, causing a number of injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Land dispute is admitted. The FIR has been lodged after two days and there is no explanation for this delay. The present FIR is counter blast of Kishanpur P.S. Case No. 219 of 2021 registered under Section 307 and other allied sections of the IPC and 27 of the Arms Act which has been lodged by co-accused Manjula Devi against the informant and others. From the injury report of the husband of the informant, it is clear that only two injuries were found on the person of the injured, though, allegations are of causing a number of injuries. These injuries are lacerated wound on the back side of the head and an abrasion, though the injury on the head is stated to be grievous and size of said injury is 2" x 1 cm x 1 cm. Moreover, it was not caused by any sharp cut weapon. The petitioner is in custody since 01.09.2022 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner for causing injury on the head of the husband of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any incised wound by any sharp cut weapon and further considering the nature and size of injury and also considering 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 Sessions Judge, Supaul/concerned court in connection with Sessions Trial No. 565 of 2022, arising out of Kishanpur P.S. Case No. 220 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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