

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20104 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- BISFI District- Madhubani

Sogarath Thakur @ Ram Sogarath Thakur S/O Late Dukhan Thakur R/O
Village- Belaunja, P.S- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Md. Soban Asghar, Advocate Mr. Sarafraz Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 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 Bisfi (Patauha) P.S. Case No. 87 of 2021
registered on 25.04.2021 for the alleged offences under Sections
341, 323, 324, 379, 354, 504, 506/34 of the Indian Penal Code.

04. As per prosecution case, in the background of
dispute over drainage of rain water in the courtyard of the
informant by the petitioner, some altercation took place and the
petitioner and other co-accused persons assaulted the informant
and her mother-in-law. The allegation against the petitioner is



that he gave *farsa* blow on the head of the mother-in-law of the informant, causing fracture on her head.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of dated 22.04.2021, the FIR was registered on 25.04.2021 and there is no reasonable explanation for the delay. The allegation against the petitioner is that he gave *farsa* blow on the head of the informant's mother-in-law, but the injury has been found to be simple in nature and its dimensions are 1" x ½" x skindeep. Earlier this petitioner was granted benefit of Section 41-A of the Cr.P.C. and due to which his anticipatory bail petition was disposed of with a direction to the petitioner to surrender before the court below and make a prayer for regular bail. The petitioner is in custody since 02.02.2023 and charge-sheet has been submitted.

06. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the petitioner for causing injury on the head of the informant's mother-in-law and the said injury is corroborated by the injury report.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the simple nature of injury found on the person of informant's mother-in-law and further considering the period of custody of the petitioner along with 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 Additional Chief Judicial Magistrate-I, Benipatti, District-Madhubani in connection with Bisfi (Patauha) P.S. Case No. 87 of 2021 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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