

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32554 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- CHACKMEHSI District- Samastipur

Lala Sahni Son Of Late Ram Swaroop Sahni R/O Village- Somnaha, P.S.-
Chakmehsi, District- Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar No.1, Adv.
For the Opposite Party/s :	Mr. Md. Iftekhar Mahmood, APP
:	Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Chakmehshi P.S. Case no. 191 of 2022 registered under sections 307, 341, 323, 324, 447, 504 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently..

3. As per the prosecution case, it is stated by the informant that while he was in his agriculture field, the accused persons came there variously armed. While Amar Kumar assaulted the informant, the allegation of assault by this petitioner is on Santosh Kumar. He was injured and in course of treatment Amar Kumar died.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. Even accepting the allegations, the allegation of assault on the deceased is not on this petitioner. The petitioner has no criminal antecedent, is in custody since 25.11.2022 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against this petitioner of having actively participated in the occurrence and of having assaulted Santosh Kumar which is supported from the injury report.

6. Having heard learned counsel for the parties and taking into consideration the allegation against this petitioner in the FIR, there being no allegation against the petitioner of having assaulted the deceased Amar Kumar, his having remained in custody since 25.11.2022 and charge-sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Chakmehshi P.S. Case no. 191 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate 1st Class,
Samastipur.

(Partha Sarthy, J)

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