

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25573 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- ARWAL District- Jehanabad

Deepak Kumar Son Of Mahendra Chaduhary Resident Of Village - Arwal
Sipah (behind Fish Market Arwal), P.S - Arwal, Distt. - Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, 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.

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 Arwal P.S. Case No. 27 of 2023 registered on
27.01.2023 for the alleged offences under Sections 147, 341,
323, 324, 307, 504 and 379 of the Indian Penal Code.

04. As per prosecution case, petitioner and other co-
accused persons along with 20-25 unknown persons came to the
place where the house of the informant was being constructed
and objected to the construction of the said house and when the
informant and his brother opposed their contention, the
petitioner and other co-accused assaulted the informant and his



brother. Thereafter, the assailants damaged the semi constructed house. Allegation against the petitioner is that he gave spade blow on the head of the informant's brother.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is case and counter case between the parties and for the same occurrence co-accused Devanti Devi lodged Arwal P.S. Case No. 28 of 2023, which was registered under Sections 147, 323, 324, 307 and 379 of IPC. In fact, the petitioner and his family have not assaulted the informant and his family members, rather they received injuries in the hands of informant's side. The land dispute is admitted in the FIR. The informant wanted to take possession over the land of the petitioner forcibly and they started construction over the land and on protest, the informant and his family members assaulted him and his family members. The petitioner is a handicapped person and he has filed a copy of his disability certificate. Allegations of theft and assault by spade are completely false and the same have been made in order to make the offence graver. The injury report of the victim shows two lacerated wounds, one is on head (Occipital Area) and its dimensions are 2" x 1/2" x 1/3" approximately. The



petitioner has been suffering from heart disease and he is under treatment at AIIMS, Panta. The petitioner is in custody since 21.01.2023 and charge-sheet has been submitted. The petitioner is having one criminal antecedent, which is under Section 498A of the Indian Penal Code and in this case petitioner is on bail.

06. Learned APP for the State opposes the prayer for bail submitting that there is specific allegation against the petitioner that he gave spade blow on the head of the informant's brother.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the dimensions of injury on the head of the victim and also that there is no repetition of blow 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 Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 27 of 2023 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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