

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29451 of 2023

Arising Out of PS. Case No.-18 Year-2021 Thana- MAIN P.S. District- Gaya

MAHENDRA DAS, Male, aged about 71 years, SON OF late LAKSHMAN
DAS Resident of Village - Men Dhibra Par, Police Station - Men and District
- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No.757 of 2022 arising out of Main (Men) P.S.
Case No. 18 of 2021 dated 02.04.2021 registered for the
offence(s) punishable under Section(s) 341, 323, 307, 504, 506
and 302 of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner earlier
preferred Cr. Misc. No.32359 of 2022 for the relief of regular
bail which was rejected by this Court but the petitioner was
given a liberty to renew his bail prayer after framing of charge
and in view of this liberty, the petitioner has now come again



for the same relief mainly on two fresh grounds; firstly, the chargesheet has been submitted under Section 304 and other allied sections of Indian Penal Code while FIR was registered under Section 302 and other allied Sections of Indian Penal Code and the second ground is the framing of charge upon the petitioner. Further submissions are that the petitioner has no criminal antecedent and a land dispute is stated to be the genesis of the occurrence and the allegation levelled against the petitioner in the FIR of having assaulted at the head of victim by use of *khanti*, which is considered as sharp edged weapon, does not get corroboration from the medical expert's opinion given in the postmortem report of the deceased and moreover there is no allegation of repeated assault by this petitioner on the body of the deceased and the alleged occurrence was not pre-planned and petitioner has been languishing in jail since 04.12.2021 and he is aged about 71 years and his trial is at initial stage.

4. Learned APP appearing for the State opposes the bail prayer and submits that against the petitioner, there is serious and specific allegation of having assaulted at the head of the deceased.

5. Considering the fresh grounds taken by the



petitioner, as discussed above, and petitioner’s clean antecedent and his old age as well as his custody period and also the fact that petitioner’s trial has started and the same is at initial stage, in my opinion, in the present circumstances, the petitioner deserves to the privilege of bail, accordingly let the petitioner be released on bail in connection with Sessions Trial No.757 of 2022 arising out of Main (Men) P.S. Case No. 18 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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