

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30094 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- PANDAUL District- Madhubani

Mahesh Ram, Son of Baijnath Ram, Resident of village - Khangaon, P.S.-
Pandauly, District - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav.
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s :		Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Pandauly P.S. Case No.171 of 2022 registered for the
offences punishable under Sections 341, 323, 324, 307, 354,
379, 504 and 506 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 16.03.2023.

4. Allegation against the petitioner is to assault the
informant and others along with other co-accused
persons/family members by means of *lathi*, rod, sharp-edged
pagadhiya, etc. causing head and bodily injuries, having
intention to cause their death, where occurrence arises out of
land dispute.



5. It is submitted by learned counsel that the allegation against this petitioner is specific as to assault Kusheshwar Ram, where it appears from his injury report that he received injuries on his left arm, which is non-vital part and sufficient to suggest that petitioner was not under intention to cause death of the informant. It is also submitted that the alleged assault is single and without having any intervening circumstances, which further negates intention to cause death of informant. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as injury appears on non-vital part, which is single and without having any intervening circumstances, negating intention to cause death of informant *prima facie*, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.03.2023, accordingly, the petitioner, above-named, is



directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No.171 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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