

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31556 of 2022

Arising Out of PS. Case No.-280 Year-2018 Thana- KADWA District- Katihar

Sahendra Ray, Son of Late Rasku Ray, Resident of Village - Kursel, P.S.-
Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Musowir, Advocate
	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pankaj Kumar Sinha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kadwa P.S. Case No. 280 of 2018 registered for the offences punishable under Sections 341/323/313 and 504/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 26.07.2018 at about 09:00AM while the co-accused Mina Devi was taking away of bamboo clumps of the informant and when the same was



objected, the accused persons started abusing and it is alleged that this petitioner caught the informant and pushed down on the ground and also assaulted her by fist and slaps resulting to the abortion of the informant.

Learned counsel appearing on behalf of the petitioner submits that from the materials available on record, it is evident that the occurrence took place at about 09:00 AM on 26.07.2018 and she has been examined by the doctor on 27.07.2018 and further this FIR has instituted on 08.08.2018 and no plausible explanation for the delay has been given. He next submits that even from the medical report, there is no whisper as to whether she has received any other external or internal injury, inasmuch as the doctor has opined that the abortion may be caused due to assault or any other reason. He next submits that the abortion might be occurred on account of some accidental reason. However, due to some dispute, pertaining to taking away of bamboo clumps, the name of the entire family members of the petitioner has been implicated in this case. He lastly submits that the petitioner, having fair antecedent, is in custody since 07.03.2022 and the charge-sheet has already been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the injury report of the informant, coupled with the period of custody and the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Katihar in connection with Kadwa P.S. Case No. 280 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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