

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34324 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- NALANDA District- Nalanda

Babloo Kumar S/O- Late Umesh Singh Village- Bajitpur Ps- Nalanda Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr.Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Nalanda P.S. Case No.30 of 2023 registered for the offence
under Sections 341, 323, 324, 325, 326, 307 and 34 of the
Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 28.01.2023.

4. The allegation against the petitioner is to assault
the informant and others by causing head and bodily injuries,
where assault alleged to be caused by using back portion of
spade (*kudali*) having intention to cause their death, where
alleged occurrence arises out of previous enmities/local



disputes.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with the present case out of local disputes. It is submitted from the narration of the F.I.R. itself, that alleged assault was caused by the back and blunt portion of the spade and not by the sharp edged side, which clearly suggest that petitioner was not under intention to cause death of the injured. It is further submitted that out of 4 injuries 3 were on the non-vital parts, which are found simple. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that the blow as alleged to be caused by this petitioner appears repeated suggesting his intention to cause death of the injured.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact that despite of having spade in hand assault was alleged to be caused by back



portion and not by using sharp edged side, where the injury as alleged to be found upon head is simple in nature and rest of the injuries found upon non-vital parts, *prima facie*, negating intention to cause death, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.01.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Nalanda P.S. Case No.30 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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