

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38621 of 2023**

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Dhila Ram @ Bhila Ram @ Bhola Ram Son of Late Girbal Ram Korlahiya,
Hari Narayan, Ps- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Mahindwara P.S. Case No. 27 of 2023 registered for the offence
under Sections 341, 323, 324, 307, 506 of the Indian Penal
Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 19.02.2023.

5. The allegation against the petitioner is to assault
the son of informant by means of knife causing injury on his
abdomen having intention to cause death, where occurrence
arises out of money disputes.



6. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and the entire narration of the F.I.R. is based upon gathered information. It is submitted that alleged assault is single and without having any intervening circumstances, which is sufficient to suggest that petitioner was not under intention to cause death of son of informant, which is a prime consideration to make out a case under Section 307 of the Indian Penal Code irrespective of the nature of injury. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as injury is single without having any intervening circumstances, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Mahindwara P.S. Case No. 27 of 2023 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial court till conclusion of the trial and exemption from physical appearance be allowed by the trial court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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