

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40014 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MEHANDIA District- Jehanabad

CHHOTU RAJBANSHI S/O SIYARAM RAJBANSHI @ HARERAM
RAJBANSHI R/O VILLAGE- KATESAR P.S.RAMPUR CHAURAM
DISTRICT ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mehandia P.S. Case No. 42 of 2023 registered for the offences
punishable under Sections 323, 341 and 307 of the Indian Penal
Code.

3. As per prosecution case, petitioner assaulted the
informant by means of danda and pressed her neck with long
scarf (dupatta) leading to her unconsciousness and threw her in
the bush situated near Belsar Sun Temple from where informant
was recovered by police.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as



alleged against him in F.I.R. and he has falsely been implicated in the present case on account of some difference between the couple. He further submits that on account of scuffle the informant herself left the matrimonial house in the night of alleged date of occurrence i.e. 11.02.2023 but due to darkness she hide herself in bush for her safety. He further submits that petitioner is in custody since 27.02.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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, Arwal in connection with Mehandia P.S. Case No.



42 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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