

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45055 of 2023

Arising Out of PS. Case No.-370 Year-2020 Thana- PIPRA District- East Champaran

SONU KHALIFA @ SUNIL RATHOUR S/O DEV NATH KHALIFA R/O
VILLAGE- TEDHIGHAT @ BETAUNA PARTIYA TOLA, BHERKHIYA
PS. PIPRA, DIST. EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Pipra P.S. Case No.370 of 2020 dated 15.12.2020 registered for the offence(s) punishable under Section(s)341, 323, 324, 307, 313, 379, 504, 506 read with Section 34 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has fair and clean antecedent and the FIR was registered four months after the commission of the alleged occurrence and an incident of quarrel having taken place in between both the parties on account of a trivial issue is stated to be the genesis of the occurrence and the alleged assault was not pre-planned and the same took place in the spur of the moment, though as per the allegation this petitioner inflicted a Dabia blow on the left rib cage of the informant but there



is no allegation of repeated blow by the petitioner to the said victim and the other allegation as to assaulting the informant's wife is general and omnibus against this petitioner. Further submissions are that the petitioner has been languishing in jail since 06.04.2021 and the medical opinion regarding the nature of weapon given in respect of the injured Mithun Khalif is completely contradictory to the details of the weapon as alleged in the FIR.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and his custody period, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail **after framing of charge, if the same has not been framed** in connection with Pipra P.S. Case No.370 of 2020 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

The Trial Court is directed to take steps to frame the charges upon the petitioner, if the same has not been framed, at the earliest, as per the procedure of law.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

