

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45946 of 2022

Arising Out of PS. Case No.-487 Year-2021 Thana- GARKHA District- Saran

=====

KAMLESHWAR RAI S/O LATE RAMESHWAR RAI Resident of village-
Ismailpur, P.S.- Garkha District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mahesh Narayan Parbat, Sr. Advocate Mr.Praveen Prabhakar, Advocate
For the State	:	Mr.Rajendra Singh, APP
For the Informant	:	Mr. Md. Anis Akhtar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned senior counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Garkha P.S. Case No. 487 of 2021 for the offence registered under Sections 341, 323, 324, 325, 354(B), 379, 307, 506 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is that while the informant and his family members were sitting at their house on the alleged date and time of occurrence, the accused persons including the petitioner had arrived there, whereafter the petitioner had inflicted a farsa blow on the head of the informant



as also on his hand and then the other co-accused persons had also assaulted the other family members of the informant.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 03.04.2022. The learned senior counsel for the petitioner has further submitted that the petitioner is an accused in three other cases but he is on bail in all the three cases. It is also submitted by referring to the injury report/supplementary injury report that the injuries sustained by the informant have been found to be simple in nature.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned senior counsel for the petitioner and taking into account the materials available on record as also considering those available in the case diary, this Court finds



that though the petitioner has been alleged to have inflicted farsa blow on the head of the informant but the injury report/supplementary injury report would bear it out that the injuries sustained by the informant have been found to be simple in nature, apart from the fact that the petitioner is languishing in custody since about seven months, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran in connection with Garkha P.S. Case No. 487 of 2021.

(Mohit Kumar Shah, J)

S.Sb/Saurav

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

