

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50391 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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KISHOR DAS SON OF LATE SHATRUGHAN DAS RESIDENT OF
VILLAGE- KHABRA, PS- SADAR, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-08-2023

1. Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel appearing for the informant.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Sadar P.S. Case No. 24/2022, registered for the offence punishable under Sections 341, 323, 379, 307, 504, 427 and 506/34 of the Indian Penal Code inasmuch as the earlier petition of the petitioner, filed for grant of bail, was rejected by this Court by an order dated 01.02.2023, passed in Cr.Misc. No. 60359 of 2022.

3. The case of the prosecution, in brief, is that the informant had purchased a land, whereafter he had constructed a boundary wall around his land. On 12.1.2022, the accused



persons, including the petitioner herein, variously armed, had arrived at the said land of the petitioner and had started breaking the boundary wall in question, whereupon the mother and sister of the informant had restrained the accused persons, whereafter the co-accused person, namely, Shyam Das, had ordered to kill, leading to the petitioner having inflicted iron rod blow on the head of the sister of the informant, namely, Jugnu Kumari, resulting in her sustaining grievous injuries. It is also alleged that all the accused persons had then assaulted the informant and his mother by leg, fists and danda (stick).

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that now it is more than one year since the petitioner is in custody, inasmuch as he is languishing in custody since 29.6.2022 and the sister of the informant, whom the petitioner is alleged to have assaulted with an iron rod is hale and hearty, hence the petitioner be granted the privilege of bail.

5. Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since more than one year, he is having a clean antecedent and the sister of the informant, whom the petitioner is alleged to have assaulted with an iron rod, on her head, resulting in her sustaining grievous injuries, is hale and hearty, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

7. Accordingly, the above named petitioner is directed to be enlarged 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 Additional Sessions Judge 20th, Muzaffarpur, in connection with Sadar P.S. Case No. 24/2022.

(Mohit Kumar Shah, J)

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