

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48700 of 2023

Arising Out of PS. Case No.-139 Year-2020 Thana- JAMALPUR District- Munger

=====

BINOD KUMAR SAH (aged about 46 years, Male) SON OF LAKHANLAL SAH, father-in-law, late Chulho Saw, RESIDENT OF Mohalla RAMCHANDRAPUR, P.S.- JAMALPUR, DIST- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Jamalpur P.S. Case No.139 of 2020 dated 09.12.2020 registered for the offence(s) punishable under Section(s) 341/323/307/504/506/34 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, a dispute with regard to bursting the crackers in the lane which took place in between the victim and petitioner's son, is stated to be the genesis of the occurrence and the petitioner is neighbour of the victim and the alleged occurrence was not pre-planned and the same took place in the



spur of moment on account of the said dispute. Further submissions are that though against the petitioner there is specific allegation of having assaulted the victim by means of *Garasa*, but as per victim's injury report, filed as Annexure 2, he sustained lacerated wound measured as 4"x 1/2" x 1/8" and the same has been opined to be caused by hard and blunt object, which is against the nature of the weapon which was allegedly used by this petitioner and moreover there is no allegation of repeated blows by this petitioner at the victim. Further submissions are that the petitioner has been languishing in jail since 18.05.2023 and against him, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the genesis of the alleged occurrence, petitioner's fair and clean antecedent and the completion of investigation against him and also the fact that the medical opinion with regard to the nature of weapon suggested in the injury report of the victim does not corroborate with the weapon which was allegedly used by this petitioner as per allegation levelled in the FIR and moreover there is no allegation of repeated blows by this petitioner at the



victim, in my opinion, in the said circumstances, petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Jamalpur P.S. Case No.139 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.

(Shailendra Singh, J)

Sanjay/-

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

