

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58296 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- BAGHA District- West Champaran

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Nausad Ansari @ Nausad Alam @ Naushad Ansari @ Nawasad Ansari @
Naushad Alam Son Of Wasir Mian @ Nasir Mian Resident of Village-
Suryapur, P.S.- Bhangaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 580 of 2022, C.I.S. 433 of 2022 arising out of
Bhangaha P.S. Case No. 27 of 2022 lodged under Sections 147,
148, 149, 341, 323, 324, 307, 379, 504, 506 of the I.P.C. and
later on Section 302 of the I.P.C. too was added.

As per the prosecution case, there were in total 10
persons were made accused in this case. The specific allegation
against the present petitioner is that he has assaulted the father
of the informant on his chest and stomach by *Chhura*, due to

which he injured and he was referred to P.M.C.H.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the antecedent of the petitioner is clean and he is in custody since 18.05.2022. Counsel submits that initially case was filed under Section 307 and other Sections but subsequently, the father of the informant died, due to which Section 302 of the I.P.C. has also been added after 7 days of the date of occurrence.

Counsel for the petitioner submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Counsel further submits that the allegation made in the F.I.R. is not correct as the informant himself discloses in the investigation that he was not present at the place of occurrence. According to him, the entire F.I.R. is based on hearsay evidence.

Learned counsel for the State opposes the prayer for bail and submits that the injury stated in the post mortem report supports the injury caused at the place which is indicated in the F.I.R.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that though the case has been filed against total 10 accused persons but specific

allegation is only and only against the present petitioner that he has made *Chhura* blow on the chest and stomach of the father of the informant. Counsel submits that charge has already been framed in this case and prosecution witness has commenced. Counsel submits that examination of 3 prosecution witnesses have already been taken and only 3 prosecution witnesses are yet to be examined.

In the present facts and circumstances of this case and the submissions made above, I am inclined to grant bail to the petitioner, therefore, his bail application is rejected.

The Trial Court is directed to conclude the trial within 9 months. If trial shall not be concluded within 9 months, the petitioner shall be at liberty to move to the Court again.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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