

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60629 of 2022

Arising Out of PS. Case No.-98 Year-2020 Thana- TERHAGACHH District- Kishanganj

Mohid @ Mohid Alam son of abud resident of village - baluwa kaliyaganj,
p.s.- Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2023 At the outset, it is submitted that defect which is pointed out in the impugned order cannot be corrected by the counsel for the petitioner.

Considering the submissions, the defect as pointed out by the office regarding the error in the impugned order is ignored herewith for the purpose of present bail petition.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Terhagachh P.S. Case No. 98 of 2020 registered for the offence under Sections 341, 323, 307, 427, 448, 380, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in



custody since 28.07.2022.

The allegation against the petitioner is to assault the daughter of the informant causing head injury having intention to cause her death due to previous long standing land disputes.

Learned counsel appearing on behalf of the petitioner submitted that the nature of injuries reported is simple in nature which is sufficient to suggest in itself that assault was caused by this petitioner was not sufficient to cause death of daughter of informant in ordinary course of nature. It is submitted by the learned counsel that it is highly improbable to cause single injury, where allegation is to be assaulted by two accused persons. While concluding the argument it is submitted that petitioner is involved in three more cases where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that nature of injuries as found upon daughter of informant is simple in nature.

In view of the facts and circumstances as mentioned above and by taking note of injuries coupled with the fact that charge-sheet has already been submitted, let above named



petitioner is directed to be released on bail in connection with Terhagachh P.S. Case No. 98 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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