

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59649 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- RAJAPAKAR District- Vaishali

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Dipak Kumar S/O Shankar Singh R/O Village- Kashipur, P.S.- Rajapakar,
Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with
Rajapakar P.S. Case No. 150/2021 registered for the offence
under Sections 147, 149, 341, 323, 324, 307, 379, 504, 506 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2022.

The allegation against the petitioner is to assault
informant alongwith other co-accused persons by using sword,
causing head injury, having intention to cause death of
informant due to previous enmities.

Learned counsel appearing on behalf of the petitioner
submitted that allegation as regard to assault on the head of



informant is not available against this petitioner, rather the same is available against the co-accused, namely, Pankaj Kumar, suggesting that allegation as regard to assault is very much general and omnibus. It is also submitted that as per face of FIR, only single assault was made, without having any intervening circumstances, suggesting that petitioner was not under intention to cause death of informant/injured. It is also submitted that in want of CT Scan, which was refused to attend informant himself, no final opinion was gathered about the nature of injuries alleged to be caused by this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged assault caused by petitioner is not appearing repeated without having any intervening circumstances coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajapakar P.S. Case No. 150/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned C.J.M., Vaishali at Hajipur/concerned court, subject to
the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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