

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63175 of 2022**

Arising Out of PS. Case No.-357 Year-2021 Thana- CHHATAUNI District- East Champaran

ROOPLAL KUMAR, Son of Vishwanath Sah, Resident of mohalla - Bara
Bariyarpur, P.S.- Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 07-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Chhatauni
P.S. Case No. 357 of 2021 registered for the offence punishable
under Sections 147, 149, 341, 323, 504 and 302 of the Indian Penal
Code.

The informant has alleged that his son was on his way
towards *Mandir Chawk* when seven named accused persons
including the petitioner and some unknown persons have surrounded
him and assaulted him. Specific allegation of stabbing in the chest is
leveled against one Sumant Kumar (co-accused).

Learned counsel for the petitioner submits that from the
FIR itself is obvious that allegation of inflicting the fatal injury is
upon co-accused Sumant Kumar. The petitioner has been implicated



in this case merely on suspicion, due to his proximity with said Sumant Kumar. The petitioner has one antecedent but the same is arising out of a love affair leading to lodging of Chhatauni P.S. Case No. 240 of 2020. The petitioner is on bail in the said case. In this case, he is in custody since 20.08.2022. Moreover, investigation is also complete.

Learned APP for the State has opposed the prayer for bail. He, however, is not in a position to dispute that in the FIR, specific fatal injury has been attributed to co-accused Sumant Kumar.

Considering the rival submissions, nature of accusations and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Chhatauni P. S. Case No. 357 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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