

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64449 of 2022

Arising Out of PS. Case No.-496 Year-2020 Thana- DHAKA District- East Champaran

Chhotelal Baitha, S/o Late Tali Baitha, R/o Village- Narkatiya, P.S.- Dhaka,
Distt- 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 : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dhaka
P.S. Case No. 496 of 2020 registered for the offence under
Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.07.2022.

The allegation against the petitioner is to assault upon
the head of informant/injured by means of “**Dab**” causing sharp
cut head injury, having intention to cause death due to
neighbourhood disputes and differences arises out of common



pathway.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in present case for the reason as from the face of FIR, it appears that assault was made from the back of the informant/injured, whereas the injury which was noticed is appearing on forehead, contradicting the entire version of the informant/injured. It is also submitted that alleged assault is non repeated without having any intervening circumstances, suggesting that petitioner was not under intention to cause death of the informant/injured. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of accusation, where assault appears non-repeated without having any intervening circumstances, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhaka P.S. Case No. 496 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 learned S.D.J.M., Sikrahna at Dhaka, District-East Champaran/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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