

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66650 of 2022

Arising Out of PS. Case No.-559 Year-2020 Thana- GARDANIBAG District- Patna

Rahees Kumar @ Dharmendra Kumar Son Of Surendra Sharma Resident Of
Road No 30, Khagaul Road, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Pal Singh, Sr. Adv.
	:	Mr.Ashok Kumar Sinha No.3
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 325, 307/34 of the Indian Penal Code and later on added Section 302 of IPC.

As per prosecution case, on 5.11.2020 in the morning, the petitioner along with co-accused persons caught the informant and this petitioner assaulted him by means of wooden stalk. Co-accused Mangal Sharma also assaulted with knife on his right side of abdomen due to which he sustained injuries. It is further alleged that during course of treatment, the informant died.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both parties are neighbour and due to some dispute, this petitioner has falsely been implicated in this case. There is case and counter case lodged in the present matter. The allegation against this petitioner is of assault to the deceased by means of wooden stalk but there is no repetition of blow by him. Whereas, the specific allegation is against co-accused Mangal Sharma of assaulting the deceased with knife blow who is already getting the privilege of bail granted by as a co-ordinate Bench of this Court vide order dated 29.9.2022 passed in Cr. Misc. No. 715 of 2022. The petitioner has got no criminal antecedent and languishing in judicial custody since 18.7.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gardanibag P.S. Case No. 559 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-XIV,
Patna.

(Sunil Kumar Panwar, J)

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