

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66386 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- NTPC District- Patna

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1. Akhilesh Kewat @ Akhilesh Kumar S/O Upendra Kewat R/O Mohalla-Madatpur, P.S- N.T.P.C District- Patna
 2. Bhushan Kewat @ Bhushan Kumar S/O Ritlal Kewat R/O Mohalla-Madatpur, P.S- N.T.P.S, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 14-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with NTPC P.S. Case No. 72 of 2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that these petitioners alongwith co-accused persons and four to five unknown persons abused and assaulted the informant and his

brother by means of *lathi* and *danda* etc.

The main submissions advanced by learned counsel for petitioners are that in the present matter two persons are stated to have sustained injuries in the alleged occurrence out of them the injured person namely, Sanjay Kewat sustained simple injuries as per his injury report of which copy has been filed as Annexure-2 and the other injured person namely, Dinanath Kewat who is the informant of this case sustained injuries on non-vital part of his body and as per his injury report filed as Annexure-2 series, he sustained injury on his left hand and index finger but as per the FIR the petitioners and co-accused persons caused fracture injury at right hand of the informant which is a serious contradiction in between the allegation made in the FIR and injury report of the informant and moreover, six named and four to five unknown persons were alleged to have committed the alleged occurrence of *mar-pit*. Further submissions are that both the petitioners have fair and clean antecedent and have been languishing in jail since 27.08.2022 and they are small farmers and against them the investigation has been completed.

Learned APP for the State has opposed the bail prayer.

Considering the above submissions and mainly the nature

of injuries of the so called injured persons as mentioned above and also the fact that in the FIR there is no specific allegation against the petitioners and as per the allegation *lathi, danda, bricks* and *stone* are said to have been used by the accused persons in assaulting the injured persons, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with NTPC P.S. Case No. 72 of 2022.

(Shailendra Singh, J)

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