

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67709 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- BARH District- Patna

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Raja @ Baja @ Baba Son of Satruddhan Mahto Resident of Village -
Sadikpur, P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-03-2023 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 Barh P.S.
Case No. 502 of 2021 registered for the offence under Sections
341, 323, 324, 307 and 34 of the Indian Penal Code (for short
'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 26.05.2022.

The allegation against the petitioner is to assault
husband of the informant alongwith other co-accused persons by
means of knife while he was on the way of village Rana Bigha
in connection to attend a village party.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in present case for the reason that there was property disputes between the parties. It is submitted that admittedly informant is not the eye witness of the occurrence and entire allegation is based upon suspicion. It is further pointed out that even, as per the statement of the injured, the allegation of assault is appearing very much general and omnibus and is not specific against this petitioner. It is also pointed out that the nature of injury is appearing simple, which is not sufficient to cause death in ordinary course of nature. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that this is a case of collective assault.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is not specific against this petitioner, where nature of injury found simple coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Barh P.S. Case No. 502 of 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 Additional Chief Judicial Magistrate-I, Barh, Patna/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Physical presence of I.O. concerned in this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

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