

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68309 of 2022**

Arising Out of PS. Case No.-562 Year-2021 Thana- SIKARPUR District- West Champaran

Badrul Hasan @ Chhotu, S/o Samim Shekh, Resident of Village- Mahuawa,
P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-03-2023 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 Shikarpur
P.S. Case No. 562 of 2021 registered for the offence under
Sections 307, 341, 323, 324, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.08.2022.

The allegation against the petitioner is to assault upon
the chest of the informant by means of knife, while informant
went up to petitioner to ask that why he alongwith other persons
assaulted his wife and sister.



Learned counsel appearing on behalf of the petitioner submitted that as sister of petitioner lodged a case against informant regarding outraging her modesty, which has been registered as Shikarpur P.S. Case No. 563 of 2021, present false case has been lodged against this petitioner. It is further submitted that alleged injury is single without having any intervening circumstances which suggest that petitioner was not under intention to cause death of injured. It is also pointed out that nature of injury as alleged to be caused is simple in nature, which not appears to cause death in ordinary course of nature. While concluding the argument, it has been submitted that petitioner found involved in one more case, where he is on bail 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, as nature of injury as alleged to be caused by this petitioner is simple in nature, negating intention to cause death on its face, let the petitioner, above named, is directed to be released on bail in connection with Shikarpur P.S. Case No. 562 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 Chief Judicial Magistrate, Bettiah, District- West 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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