

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5724 of 2023

Arising Out of PS. Case No.-145 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Yaswant Kumar S/O Kailash Patel @ Kailash Kumar R/O Pathari Ghat, P.S-
Bairia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2023 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.

At the outset, learned counsel for the petitioner prayed

to remove the defects as same can be corrected during the

course of day itself.

Request allowed.

Let, defect(s), as pointed out by the office, be

removed, positively, during the course of day itself,.

The petitioner seeks bail in connection with Bettiah

Town P.S. Case No. 145 of 2021 registered for the offence under

Sections 323, 341, 324, 307, 504/34 of the Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 01.03.2021.

The allegation against the petitioner is to assault informant/injured by means of knife, causing injury on pelvic area, having intention to cause his death, where occurrence arises out of local disputes and previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that though specific allegation is available against petitioner but injury is not the only criteria to make out a case under Section 307 of the Indian Penal Code, where prime consideration is of intention to cause death. It is submitted that alleged assault is single without having any intervening circumstances and as such it can be said safely that petitioner was not under intention to cause death of informant/injured. It is further submitted that nature of injury is simple. 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as alleged assault caused by petitioner is single without having any intervening circumstances, where nature of injury found simple coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.03.2021, accordingly, above named petitioner is directed to be released on bail in connection with Bettiah Town P.S. Case No. 145 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 District and Sessions Judge -V, Bettiah, 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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