

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73987 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- RAMGARHWA District- East
Champaran

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Kamta Yadav @ Awadhesh Kumar Yadav S/o Sonalal Yadav R/o Village-
Piparpati, P.S.- Ramgarhwa, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No.224 of 2022 registered for the offence
under Sections 307, 323, 324, 341, 450, 379, 504 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.07.2022.

The allegation against the petitioner is to assault by
means of knife to minor daughter of informant aged about 16
years, while sleeping with her mother in the intervening night of
10.07.2022, for petty issue regarding payment for purchasing
gutkha from the shop of informant.



Learned counsel appearing on behalf of the petitioner submitted that informant is not appearing eye-witness of alleged assault, which was made upon her minor daughter, as per narration of the F.I.R., for the reason that she became senseless soon before alleged assault after receiving head injury during the course of occurrence. It is submitted that petitioner after receiving injury approached Primary Health Center Ramgarhwa, for her treatment, where all three alleged injuries were found stitched, which creates a doubt as no prior visit to any health center appears during the course of investigation by injured in connection of her treatment. It is submitted that upon x-ray no abnormalities were detected on vital parameters of the body, which in itself is sufficient to suggest that inflicted injuries were superficial in nature and was not sufficient to cause death in ordinary course of nature, negating the intention of petitioner as to cause death of the daughter of informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while vehemently opposing the prayer for bail submitted that assault



was caused specifically by this petitioner, it is repeated.

In view of the facts and circumstances as mentioned above and by taking note of the nature of injuries, which appears superficial as per x-ray report, where petitioner is in custody since 13.07.2022, having clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Ramgarhwa P.S. Case No.224 of 2022 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, East 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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