

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4851 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- RAMGARHWA District- East
Champaran

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Rasul Azam Son of Jamaluddin Dewan @ Jamaludin Devan R/o vill -
Hasanpura, P.S - Ramgharwa (Ramgarhwa), Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Ramgarhwa P.S Case
no.401 of 2023 registered under sections 307, 323, 325 and 504
of the Indian Penal Code.

3. As per the prosecution case, the informant states
that as a result of some altercation between the petitioner and
her 12 year old son, the informant became angry, picked up her
son and threw him against the tree causing severe injuries.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. From the
contents of the FIR itself it would be evident that the allegations
therein, even if accepted for the sake of argument was over a



trivial dispute. No case under section 307 of the Indian Penal Code would be made out. Referring to the injury report (Annexure-P2), it is submitted that though injury no.4 has been found to be grievous in nature, the same is a swelling with pain on right side of the elbow joint. The petitioner is in custody since 28.10.2023 and charge-sheet has been submitted in the case. He has no criminal antecedent.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, his not having any criminal antecedent, his being in custody for more than 3 months since 28.10.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Ramgarhwa P.S Case no.401 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari.

(Partha Sarthy, J)

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