

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61873 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- CHANPATIA District- West Champaran

Doma Mian Son of Salauddin Mian R/O Village - Bankat Puraina, Ward No.-
12, P.S.- Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chapatiya P.S. Case No. 145 of 2024 instituted for the offences under Sections 448, 341, 323, 307, 504, 506, 34 of the Indian Penal Code.

3. It is alleged that on the date and time of occurrence, this petitioner along with other co-accused person assaulted the informant's brother when he refused to bring *ganja*. It is further alleged that all the accused persons also assaulted the mother of the informant. It is further alleged that this petitioner gave iron rod blow on the head of the informant's mother due to which she sustained head injury.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submits that both parties are neighbours and due to a petty dispute, altercation took place between the parties. Learned counsel further submitted that there is case and counter case between the parties. Learned counsel for the petitioner referring to injury report of the informant's mother (Annexure-3) submitted that two injuries have been found on the head of the informant's mother. The Injury No. 1 is caused by sharp cutting weapon which is grievous in nature whereas Injury No. 2 is caused by hard and blunt object which is simple in nature. Learned counsel further contended that as per allegation alleged in the FIR, this petitioner has given a blow of iron rod on the head of the informant's mother and the same corresponds to injury no.2 which is caused by hard and blunt object and the same is found to be simple in nature. Learned counsel further contended that since there is no repeated blow of iron rod, therefore, petitioner had no intention to commit the murder of informant's mother. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.06.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, both parties being neighbours having case and counter-case against each other, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chapatiya P.S. Case No. 145 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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