

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73530 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- HATHUA District- Gopalganj

Chandrabhan Tiwary Son of Subhash Tiwary Resident of Village - Bariishar,
Police Station - Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar, Adv.
For the Opposite Party/s	:	Mr.Manoj Kumar, APP
For the Informant	:	Mr. Bijay Prakash Singh, Adv.

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

ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Hathua
P.S. Case No. 147 of 2023 instituted for the offences under
Sections 323, 325, 341, 307, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of assaulting the Informant on his head by means of
iron rod due to which he sustained grievous injury and became
unconscious and fell down. Thereafter, he was rushed to Hathua
Hospital from where he was referred to Gopalganj Sadar
Hospital and from Gopalganj, he was referred to Gorakhpur for
his better treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is admitted land dispute between the parties. There is no independent witness in this case and all witnesses are family members of the Informant. Learned counsel for the petitioner further submits that the Informant has died and the offence under Section 302 has been added in the F.I.R. and, later on, charge-sheet under Section 302 I.P.C. has been submitted against the petitioner. In the postmortem report, the cause of death has not been ascertained by the doctor. The petitioner has one criminal antecedent in which he is on bail. The petitioner is languishing in judicial custody since 23.06.2023.

5. Learned A.P.P. for the State and Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that there is a specific allegation of assault against the petitioner and the injury report as well as postmortem report also support the prosecution case. Charge has also been framed against the petitioner in this case. There is also statement of the witnesses in Para 3 & 5 of the case diary in which they have supported the prosecution case.

6. Having heard the learned advocates for the parties



and perusing the materials placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, at this stage, I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from the date of receipt/production of a copy of this order.

8. If the trial is not concluded within the aforesaid period of twelve months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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