

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2340 of 2024

Arising Out of PS. Case No.-74 Year-2020 Thana- SAHODARA District- West Champaran

Bhakhari Nishad @ Bhikhar Nishad S/O Late Bhuwal Nishad @ Bhuwalmukhiya Resident
Of Village - Parsa Deeh, Ward No. 03, Police Station - Sahodra, Dist. West Champaran,
Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Zeyaul Hoda, Advocate Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sahodra P.S. Case no. 74
of 2020 registered under sections 341, 323, 504, 337, 304 and
34 of the Indian Penal Code.

3. As per the prosecution case, it is stated that the
petitioner along with other accused persons came and assaulted
the informant, his mother and other members of the family. It is
further stated that as a result of petitioner's assault and having
pushed his mother in the fire, his mother was injured. She was
brought home and subsequently died. Information was given to
the police station.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case over a trivial
dispute which has been blown out of proportion. It is for this



reason that the police on investigation submitted final form as a mistake of fact. However the learned Court below differing with the final form took cognizance under sections 341, 323, 304, 504 and 34 of the Indian Penal Code against the petitioner. The petitioner is in custody since 18.10.2023 and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation and final form having been submitted against the petitioner at the initial stage together with the petitioner having remained in custody for about 6 months since 18.10.2023, the petitioner is directed to be enlarged on bail in connection with Sahodra P.S. Case no. 74 of 2020, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate- 1st Class-cum-Additional Munsif- IX, West Champaran at Bettiah.

(Partha Sarthy, J)

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