

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61800 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- CHIHARA District- Jamui

Talo Hembram Son of Babu Hembram R/o Village - Konjhi, P.S. - Chihara,
District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Sahay, Advocate

Mr. Amit Narayan, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Chilhara @ Chihra P.S. Case No. 23 of 2024 registered for the alleged offences under Sections 341, 323, 324, 325, 307, 354, 504 and 506/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and co-accused persons assaulted the mother of the informant with axe and stick. In this assault, the mother of the informant received 1 ½” deep injury on her head and a cut injury on ear lobe and she fell unconscious.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 21.06.2024 but the matter was reported to the police on 30.06.2024, though the police station is



just 04 kilometers away from the place of occurrence. This unexplained delay makes the case doubtful against the petitioner. Even the FIR was sent to the court concerned after delay of two days and from the FIR, it is also apparent that the informant is not an eye witness as he was not present at the place of occurrence. The identification of the petitioner by local villagers is highly improbable because according to the informant, the attackers fled away from the place of occurrence after seeing the villagers who were arriving at the spot. There is no specific allegation against the petitioner and no overt act has been attributed to him. In these circumstance, no offence under Section 307 of IPC is made out against the petitioner as there is no intervening circumstances. The informant and the petitioner are distantly related and in order to grab the land of the petitioner, he has been falsely implicated by the informant in this case. Learned counsel further submits that it is also not believable that the accused person attacked an old lady in the morning without any fear of their identity being revealed. There is no witness to the whole occurrence. Even the witnesses whose statement have been recorded are hearsay witnesses. The petitioner is in custody since 01.03.2025 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission



made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-II, Jamui in connection with Chihara P.S. Case No. 23 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

