

COURT OF SESSIONS JUDGE, NALANDA AT BIHARSHARIF

B.P. No. 1473 / 2022

Babuchand @ Babuchand Dharhi Vs. The State of Bihar

04.11.2022

The bail petition has been filed on behalf of petitioner **Babuchand @ Babuchand Dharhi**, who is in judicial custody since 29.09.2022 in connection with Sare P.S. case No. 176/2022 registered for the offences punishable u/s. 341, 323, 307 of the I.P.C..

The prosecution case in brief, is that the informant Rohit Kumar gave a written petition to the SHO, Sare, P.S., alleging there is that in the night on 22.09.2022 the petitioner assaulted him and caused rupture injury in his head due to dispute relating to land.

Heard learned counsel Sri Gaya Prasad for the petitioner and learned P.P. Mr. Quaisar Imam on behalf of the State.

Learned counsel for the petitioners has submitted that the petitioner is innocent, has committed no offence and he has been falsely implicated in this case. It has been further submitted that the alleged offence u/s 307 of the I.P.C. is not applicable in this case and the same is purposely added to make the case serious and non-bailable, and the other alleged offences are bailable. Moreover, as per the injury report, the injuries to the injured have been found simple in nature caused by hard and blunt substance. He has further submitted that the informant and the petitioner are own gotiyas and there is land dispute between them. The petitioner has been languishing in custody since 29.09.2022 and he has no criminal antecedent. Hence, he be released on bail.

Learned P.P. has opposed the prayer for bail of the petitioner.

Heard and perused the case record. It transpires that there is specific allegation of assault against the petitioner. But the injury report attached with the case diary show that the injuries to the injured are simple in nature caused by hard blunt substance. Both the parties are gotiyas and there is land dispute between them. The petitioner is in custody since 29.09.2022 and he has no criminal antecedent.

Considering these facts, the petitioner is ordered to be released on bail on furnishing bail bond of **Rs. 10,000/- with two sureties** of the like amount each to the satisfaction of the learned court below.

(Dictated & corrected)



(Hasmuddin Ansari)
Sessions Judge, Nalanda,
Biharsharif.