

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3221 of 2017

Arising Out of PS.Case No. -261 Year- 2015 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Nagina Sah, Son of Tilak Sah, Resident of Government Quarter, Kosi
Project at and P.O. kabir Chak, P.S.-Darbhanga Sadar, District-darbhang.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-11-2017

Heard the parties.

The appellant seeks regular bail in connection with
SC/St Case No.399 of 2017 arising out of Darbhanga Sadar
P.S.Case No.261 of 2015 registered for offences punishable under
Sections 341, 323, 324 & 307/34 of the Indian Penal Code and
Section 3(x) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellant as per FIR is that the
appellant has assaulted the friend of the informant and of stabbing
them causing injuries to them.

Submission of the learned counsel for the appellant is
as a matter of fact he has lodged a case against the informant with
respect to engagement in immoral trafficking due to the fact the
present case has been lodged. So far injury is concerned, the



learned Sessions Judge has noticed injury only on the person of Ram Sogarath Sah. It has also been submitted that though injuries have been found grievous in nature and from the side of the appellant have also received injuries. The appellant is in custody for five months.

Heard learned Special P.P. also.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge (SC/ST P.O.A. Act) Darbhanga in connection with SC/ST Case No.399 of 2017 arising out of Darbhanga Sadar P.S.Case No.261 of 2015 after setting aside order dated 11.9.2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST P.O.A. Act) Darbhanga in SC/ST Case No.399 of 2017 arising out of Darbhanga Sadar P.S.Case No.261 of 2015, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall co-operate in the disposal of trial



and make himself available as and when required by the court concerned and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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