

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10117 of 2019

Arising Out of PS. Case No.-161 Year-2018 Thana- KALYANPUR District- East Champaran

Lakhindra Sah (Age about -47 years, (Male), Son of Late Jokhu Sah, Resident
of Village- Mirchaiya, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar No.1, Advocate
For the Opposite Party : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 324, 325, 307, 379, 502 and
506/34 of the Indian Penal Code registered in connection with
Kalyanpur P.S. Case No. 161 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute and the petitioner as well
as the informant are own brothers. It is submitted that the ingredients
of the offence alleged under Section 307 of the IPC are not made out
against the petitioner. The accusation against the petitioner under
Section 379 of the IPC is mere embellishment. The petitioner claims
clean antecedents.

4. A perusal of the injury reports contained in paragraph
21 of the case diary discloses that the injuries sustained by injured
Dharmendra Kumar Sah, Munita Devi and Babita Devi are simple in
nature.

5. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Motihari in connection with Kalyanpur P.S. Case No. 161 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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(Vikash Jain, J)

