

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19531 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- CHHATAPUR District- Supaul

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BHUSHAN SAH SON OF JAI BALLAV SAH @ JALIM SAH RESIDENT
OF VILLAGE-MOHANPUR,P.S- CHHATAPUR, DISTRICT- SUPAUL

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tarkeshwar Pd. Verma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chhatapur P.S. Case No. 88 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code later on Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that there is a case and counter case between the parties who have quarreled over during Kali puja on some petty issues.

Learned counsel for the petitioner submits that so far as

the case against the petitioner is concerned which has been lodged by one Kamaldeo Sah who has alleged that the petitioner's side who were five in number including this petitioner came on the place of occurrence lashed with lathi-danda and stopped the informant from raising construction on the land. It is alleged that when the informant stopped the petitioner's side then co-accused Jai Ballav Sah instigated the other persons to kill the informant.

According to the prosecution story the co-accused Kamaldeo Sah had assaulted the son of the informant by an iron rod and because of the said assault son of the informant received head injuries and started bleeding. So far as this petitioner is concerned, it is alleged that he has assaulted the informant by a bamboo clamp.

As per the counter case the informant Bhushan Sah was making arrangements for Kali Puja with the help of his father Shri Jalim Sah. Some work was going there, in the meantime the informant side came there and started assaulting the petitioner's side wherein the father of the informant Bhushan Sah who is petitioner in this case suffered injuries on his head. On seeing that the father of the petitioner was being assaulted the father of the informant Kamaldeo Sah and nephew Rupesh Kumar also reached there but they were also assaulted.

Learned counsel submits from annexure '3' to the

present petition that the injury on the body of the informant to whom the petitioner has allegedly assaulted has been found simple in nature as only one bruise 2”x1” on right forearm was found. Learned counsel has further submitted from annexure ‘4’ that this petitioner has also sustained injuries on the right forearm and the father of the petitioner has sustained injury on the scalp which would be evident from annexure -4/A.

The co-accused Jai Ballav Sah @ Jalim Sah had been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 31270 of 2021. This petitioner is in custody since 07.10.2020, investigation against him is complete.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the facts and circumstances of the case wherein both the parties are own gotias and they seem to have fought over construction on a piece of land in which both the parties have assaulted each other, so far as this petitioner is concerned, he had caused injury to the informant which has been found simple in nature, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI, Supaul in connection with Chhatapur P.S. Case No. 88 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.