

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18218 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- RIGA District- Sitamarhi

Nand Kishore Sah Son Of Radha Krishna Sah Resident Of Village-
Shivnagar, P.S- Riga, Dist- Sitmarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Ms. G. Nisha, Advocate
For State	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 13-12-2021 Heard Shri N.K. Agrawal, learned Senior Counsel
assisted by Shri Ashok Kumar Jha, advocate on record, Ms. G.
Nisha, learned counsel appearing on behalf of the informant and
Smt. Asha Devi, learned APP appearing on behalf of the State.

Petitioner who is in custody since 16.08.2020 seeks
regular bail in connection with Riga P.S. Case No. 213 of 2020
dated 26.07.2020 registered for offences punishable under
Sections 341, 323, 379, 454/34 of the Indian Penal Code and later
on Section 302 I.P.C was added.

It is the case of the prosecution that the accused
persons including the petitioner were next door neighbour of the
informant. Petitioner along with other co-accused entered the
house of the informant in the night along with lethal weapon and
assaulted the father-in-law, mother-in-law, dewars who sustained



grievous injury and, thereafter, they snatched the *mangalsutra* and nose pin from the mother-in-law of the informant.

Learned Senior Counsel on behalf of the petitioner submits that the petitioner has been implicated in a fabricated case and there is a case and counter case as would appear from paragraph No. 14 of the bail application. Learned Senior Counsel further submits that both the parties are agnates and there is a land dispute between them. He further submits that the father-in-law, aged about 65 years died after two months in course of treatment and other co-accused persons for the similar allegation have already been released on bail vide order dated 05.04.2021 passed in Cr. Misc. 934 of 2021. The petitioner seeks parity and prays to be released on bail.

Learned counsel appearing on behalf of the informant vehemently opposed the prayer for bail and she has alleged that petitioner has made incorrect statement in paragraph No. 3 of the application. She submits that as per her instruction, there is a criminal case pending against the petitioner and in this regard, she has also filed an affidavit before this Court for seeking time to substantiate the said fact and she has also orally made a prayer to that effect.

Learned A.P.P. has supported the submission made by the informant's counsel and has opposed the prayer for grant of



bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, the learned Court below is directed to confirm the above mentioned fact as to whether any criminal case is pending against the petitioner under his jurisdiction or in any other neighbouring district and upon being satisfied, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Riga P.S. Case No. 213 of 2020 dated 26.07.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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