

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37886 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- AURAI District- Muzaffarpur

MAHENDRA SAH Son of Late Sukhdeo Sah Resident of village - Nayagoan,
Tole Usri Besi, P.S.- Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Aurai P.S. Case No. 222 of 2020 registered under Sections 147, 148, 149, 323, 307, 325, 504 and 302 of the Indian Penal Code.

The allegation is that the accused persons including the petitioner, based on land dispute, have assaulted informant's husband and one Raj Kumar Shah. The specific allegation against the petitioner is of giving a *fersa* blow causing cut injury in the legs.



Learned counsel for the petitioner submits that from the prosecution case itself, it is evident that the occurrence has taken place while asserting title to land. The victims have sustained injury at the spur of the moment. Petitioner, being one of the elderly family members, has falsely been implicated. He is aged about 77 years. Having no criminal antecedents, he is in custody since 15.11.2020 and that the specific allegations of assault on vital part of the body is levelled against the other co-accused persons.

Learned APP has opposed the prayer for bail. It is submitted that there is specific allegations attributed to the petitioner also.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur in Aurai P.S. Case No. 222 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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