

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34100 of 2020

Arising Out of PS. Case No.-203 Year-2020 Thana- MUFFASIL District- West Champaran

DULAR SAH son of late Rudal Sah Resident of Village- Ahwar Manjhariya,
P.S.- Muffasil, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Binay Kumar,Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar No. 7,APP
For the Informant :	Mr.Anant Kumar Mishra,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-01-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Sanjay Kumar No. 7, learned APP for the
State.

The petitioner in the present case is seeking regular bail in
connection with Bettiah Muffasil P.S. Case No. 203 of 2020
registered for the offence punishable under Sections 147,148, 149,
323, 324, 307, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
prosecution story, while the informant at (CS) Bank for withdrawal
of money scuffle took place between the informant's family and the
accused persons and in that course the petitioner is said to have
assaulted Munna Sah by Khutta. It is submitted that said Munna Sah
has not received any injury.

Learned counsel for the petitioner as well as learned
counsel for the informant have opposed the prayer for regular bail of



the petitioner.

Having regard to the facts and circumstances of the case, wherein as per prosecution story, this petitioner had assaulted one Munna Sah by khutta which was in his hand and said Munna Sah had fallen. Neither learned counsel for the informant nor learned APP for the State is able to demonstrate that there is any injury caused to Munna Sah, learned APP for the State has in fact submitted before this Court that investigation against this petitioner is complete but in course of investigation said Munna Sah has not been examined and there is no injury report of said Munna Sah, in the First Information Report there is no allegation against this petitioner that he had caused any assault upon the deceased, the petitioner has otherwise no criminal antecedent, investigation against him is complete and it is not the submission of the State that release of the petitioner is otherwise likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah in connection with Bettiah Muffasil P.S. Case No. 203 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands disposed of.

(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'.

