

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46909 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- BAJPATTI District- Sitamarhi

=====

RAKESH SAH S/o NAGINA SAH @ RAM NAGINA SAH R/o VILLAGE-
BANGAON BAZAR, P.S-BAJPATTI, DISTRICT-SITAMARHI.

.. ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Bajpatti P.S. Case No. 25 of 2021 registered for the offence under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

The petitioner along with others variously armed with deadly weapon assaulted the informant resultantly he sustained injuries.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, on account of a land dispute between the parties, this petitioner has been implicated in this case. Not only that this case is nothing but a counter blast of Bajpatti P.S. Case No. 26 of 2021 which has been filed by one Narayan Sah, who happens to be uncle of the petitioner. Although there is allegation of assault against the petitioner, but the injury report clearly suggests that the injuries sustained by the victim are simple in nature caused by a sharp object and a hard substance. Moreover, the co-accused, Rajesh Sah, having more or less similar allegation, has already been granted bail by this Court vide order dated 01.12.2021 passed in Cr. Misc. No. 34586 of 2021. The petitioner is rotting in judicial custody since 01.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Bajpatti



P.S. Case No. 25 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

