

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5626 of 2021**

Arising Out of PS. Case No.-8 Year-2019 Thana- RAJEPUR District- East Champaran

PREM KUMAR @ PREM SAH DURGA SAH R/o village- Laholadpur @
Lahladpur, Ward No. 8, P.S.- Rajepur, District- East Champaran (Bihar)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-04-2021 Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rajepur P.S. Case No. 08 of 2019 registered for the offences punishable under Section 147, 341, 324, 307, 379, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that while the informant was on way through tempo he was encircled by the FIR named accused persons and dragged out by co-accused Kamal Shah and Durga Shah. It is further alleged that co-accused Sajjan Shah caused injury on the informant's head by farsa and on his cry his family members namely Rupesh Shah, Rajendra Shah and Vinod Shah came then Prem Shah caused



injury on the nose of Rupesh Shah. Manoj Shah gave sword blow to Rajendra Shah and Arvind Shah caused injury on the head of Vinod Shah by farsa.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that petitioner had allegedly caused injury to one Rupesh Shah but the injuries are simple in nature. The petitioner is in jail since 03.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner submits that so far as this petitioner is concerned, he had allegedly caused injury to one Rupesh Shah, the three injuries on the body of Rupesh Shah has been noticed by learned Sessions Judge in the impugned order, the injuries (I) Sharp cut on upper lip caused by hard pointed object, (II) Pain and swelling on right upper arm and (III) Complain of body-ache. According to the doctor the injuries are simple in nature, the petitioner has remained in jail in connection with the present case since 03.10.2020, investigation against him is complete and at this stage there is no submission of the State that the further incarceration of the



petitioner is likely to come in aid of investigation or prosecution, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar East Champaran at Motihari, in connection with Rajepur P.S. Case No. 08 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

