

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4131 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- PARBATT A District- Khagaria

BAMBAM SAH, SON OF JOTO SAH RESIDENT OF VILLAGE-
TEMTHA RAKA, P.S.- PARBATT A, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned counsel for the informant. The State is represented

by learned APP for the State.

The petitioner seeks bail in connection with

Parbatta P. S. Case No. 448 of 2021, registered for the

offences punishable under Sections 147, 148, 149, 341,

323, 307, 379, 504, 324 and 447 of the Indian Penal Code.

The prosecution story in brief is that the informant

and her daughter have been abused and assaulted by the

petitioner and his associates.

The learned counsel for the petitioner submits that

there is no allegation of any overt act against the petitioner.



The injury suffered by the petitioner is simple in nature. The petitioner has been named in the F.I.R. only on the basis of previous enmity.

The petitioner is in custody since 27.10.2021.

However, the learned counsel for the informant has vehemently opposed the prayer for bail, submitting that this is the repetition of similar offence because the same informant has also lodged a case against the petitioner, earlier, bearing Parbatta P. S. Case No. 438 of 2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

In the bail application also, it has been stated that the petitioner has been made accused in a case bearing Parbatta P. S. Case No. 438 of 2021.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Khagaria, in connection with Parbatta P. S. Case No. 448 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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