

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7966 of 2022

Arising Out of PS. Case No.-91 Year-2020 Thana- SAHIYARA District- Sitamarhi

PAWAN KUMAR, S/o Late Ram Iqbal Sah, Resident of Village - Kishanpur,
P.S. - Bathnaha, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarawal, Sr. Advocate Mr.Alok Kumar Jha, Advocate
For the informant	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 15.04.2021,
seeks regular bail in connection with Sahiyara P.S. Case No. 91
of 2020, for the offence punishable under Sections 147, 148,
149, 323, 354, 307 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation against the petitioner is that he
assaulted Bhola Singh and Navin Kumar @ Raman Kumar and
in this regard, injury report is on the record.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and he has falsely been



implicated in this case due to admitted land dispute. He further submits that the injury found on the person of Bhola Singh is grievous in nature caused by sharp edge weapon, so far as petitioner is concerned allegation is that he had assaulted with lathi. The injury report with respect to Navin Kumar @ Raman is grievous in nature, but not at the vital part of the body and the same has been caused by hard blunt substance attributed to the petitioner. There are four criminal cases registered against the petitioner, as mentioned in paragraph No. 3 of the bail application, out of which in three cases, he has been acquitted and in one case he is on bail. The petitioner is in custody since 15.04.2021.

Sri Ashok Kumar Jha, learned counsel appearing on behalf of informant, vehemently, opposed the prayer for grant of bail to the petitioner supported by Sri Jitendra Kumar Singh, learned A.P.P. for the State.

Considering the aforementioned facts and circumstances of the case as well as allegation made in the F.I.R. and having heard the rival submissions, it appears that the injury sustained by Bhola Singh is grievous in nature, but the same has been caused by sharp edge weapons while the injury caused to Navin Kumar @ Raman is also not on the vital part of



the body, whereas as per the allegation petitioner was possessed with Lathi and there is no allegation of tampering evidence or influencing the witnesses and trial is also not expected to be concluded in near future. The petitioner, above named, who is in custody since 15.04.2021, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case No. 91 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The Court below is directed to verify the



criminal antecedent of the petitioner and if the petitioner is found accused in any other case, as mentioned in paragraph No.3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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