

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9518 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- MAHESI District- East Champaran

Om Prakash Sah @ Omprakash Kumar, Son of Rajendra Sah, Resident of
Village - Rangrej Chhapra, P.S.- Mehshi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Mehshi P.S. Case No. 147 of 2021, registered for
the alleged offences under Sections 147, 149, 323, 379, 307,
504, 506 and 354 (B) of the Indian Penal Code.

As per the prosecution case, the petitioner and other
co-accused persons assaulted the informant and her family
members and also took away her '*mangalshutra*'. The allegation
against this petitioner is that of giving *farsa* blow on the head of
the informant. The occurrence took place in the background of
land dispute.



The learned counsel for the petitioner submits that the occurrence as alleged has never taken place and there is counter version of the alleged occurrence with registration of FIR bearing Mehsi P.S. Case No. 148 of 2021 against the informant and her family members lodged by the agnates of the informant. The land dispute is admitted in the FIR itself and for this reason, the petitioner has been falsely implicated in this case. There is general and omnibus allegation of assault against the petitioner and other co-accused persons and the allegation of giving *farsa* blow is false and concocted. The true fact of the case is that the informant indulged in free fight over construction on a piece of land. Since the informant was claiming title on the said land which was purchased by the father of the petitioner through a registered sale deed and on submission of report by the police, a proceeding under Section 144 Cr.P.C. was also initiated. To pressurize the father of the petitioner who got initiated the proceeding, the informant has been named in this false case exonerating the agnates who is the informant of the counter case. The learned counsel further submits that the injury report seems to be fabricated as there is allegation of involvement of fifteen persons as assailants but the number and nature of injury do not corroborate the manner of assault. The petitioner has also



sworn an affidavit before the District Magistrate regarding issuance of false injury report by the PHC. The petitioner is in custody since 07.01.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there is land dispute between the parties and further considering the case of free fight for which there is a counter case as well and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Mehshi P.S. Case No. 147 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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