

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12483 of 2022

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

DAYARAM SAH Son of Late Sundar Sah Resident of Village- Tematha
Raka, P.S.- Parbatta, Dist- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Parbatta
P.S. Case No.448 of 2021 registered for the offence under
Sections 147, 148, 149, 341, 323, 307, 379, 504, 506, 324 and
497 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.01.2022.

The allegation against the petitioner is to assault the
informant along with other co-accused persons for dispute of
piece of land.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was only part of mob having pistol in hand. It has further been submitted that there is no allegation as regard to assault, and even allegation of firing is without intention to cause death of the informant/injured. It has further been submitted that petitioner is involved in one more case, in which, he is on bail. It has further been submitted that injury received by injured person found simple in nature, as per medical examination. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is no allegation as regard to assault against the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as there is no allegation of any over act against the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No. 448 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Khagaria/concerned court,



subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Dhananjay Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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