

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17825 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- CHHATAPUR District- Supaul

1. RAJENDRA SAH S/o Late Tanuk Sah R/o village- Pariyahi, Ward No. 01, P.S.- Chhatapur, District- Supaul
2. Naresh Kumar @ Naresh Kumar Sah S/o Rajendra Sah R/o village- Pariyahi, Ward No. 01, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 341, 323, 324, 325, 379, 307, 504, 506/34 of the Indian Penal Code.

The informant is said to have been assaulted by the F.I.R. named accused persons while he was cutting the bamboos trees in the field. It is further alleged that accused persons were armed with deadly weapon. It is further alleged that co-accused Birendra Sah assaulted with iron rod on the head of the informant but the same hit on the hand. Petitioner No.1 assaulted Pinku Kumar with Farsa on the



head which caused cut injury and blood started oozing out from the injury, co-accused, Birendra Sah assaulted with iron rod to injured Santosh Sah causing teeth injury. Petitioner No. 2 assaulted the injured Birendra Sah with lathi, co-accused, Upendra Sah assaulted injured Dhirendra Raj with Farsa on head. Co-accused, Pawan Sah assaulted the injured namely Bechan Sah and Kushmlal Sah. All the injured were sent to the hospital for their treatment.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that there was free fight between the parties in which both the parties have sustained injuries. He further submits that there was admitted land dispute between the parties and on account thereof scuffle took place between them for which case and counter case has been lodged by both the parties. He further submits that although there is allegation of assault against the petitioners, but the injury report clearly depicts about the injury sustained by the informant that is simple in nature caused by a hard and blunt substance. Therefore, no case under Section 307 of the Indian Penal Code is made out against the



petitioners. The petitioners are rotting in judicial custody since 26.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner No.1 carries one case other than the present one whereas petitioner No.2 bears a clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chhatapur P.S. Case No. 209 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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



And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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