

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19406 of 2022

Arising Out of PS. Case No.-99 Year-2020 Thana- SATHI District- West Champaran

Nanhe Dubey Son of Omprakash Dubey R/O - Bahurawa, P.S.- Sathi,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishabh Mishra

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sathi P.S.
Case No. 99/2020 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 504 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, there is accusation against
the petitioner to assault by means of Gadasa upon the head of
informant. Petitioner is also alleged to have made firing by
means of gun. It is further alleged that co-accused persons
assaulted the brother of the informant by means of lathi and
Gadasa.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 10.02.2022 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the among three injuries found in the injury report, two are of simple in nature. There is case and counter case between the parties upon the same date of occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, free fighting cannot be ignored, from the place of occurrence there is no firing material was available on record as submitted and there is no repeated blow upon the head as submitted, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-III, West Champaran at Bettiah in connection with Sathi P.S. Case No. 99/2020 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

