

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29576 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- NAUTAN District- West Champaran

SHIV SAH SON OF LATE BADRI SAH RESIDENT TOF MOHALLA-
JHAKHRA JAN TOLA WARD NO 6 PS- NAUTAN (JAGDISHPUR) DIST-
WEST CHAMPRARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 307, 324, 504 and other allied
sections of the Indian Penal Code.

Allegedly, this petitioner and other co-accused persons
entered into the house of the informant in the night and thereafter
assaulted the informant by means of sharp edged weapon namely,
Dabila and when the informant fell down, informant's younger
brother came who was also assaulted by co-accused Surendra Sah by
means of Dabila and thereafter informant's mother and neighbour
came there and intervened into the matter.



The main submissions advanced by Sri. Ajeet Kumar Bhardwaj, the learned counsel appearing for the petitioner are that there is no specific allegation against the petitioner and the main allegation is against Surendra Sah and allegation against the petitioner is general and omnibus and he has got no criminal antecedent and has been languishing in jail since 14.2.2022.

Mr. Parmeshwar Mehta, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions, petitioner's clean antecedent and period of his custody and mainly the fact that specific overt-act has not been alleged against him in the FIR, in my view, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, West Champaran, Bettiah in Nautan (Jagdishpur) P.S Case No. 02 of 2022 on the following conditions:-

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

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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