

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.43981 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- MAHESI District- East Champaran

Rambabu Sahani S/O Jadolal Sahani @ Yadolal Sahani R/O Village-Bakhari
Nazir, P.S-Mehsi, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Mukul Jee, Advocate Mr. Sourabh Suman, Advocate
For the Opposite Party/s :		Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Mehsi P.S. Case No. 230 of 2020
registered for the offences punishable under Sections 341, 323,
379, 307, 504 & 506/34 of the Indian Penal Code. He has got no
criminal antecedent and is in custody since 14.01.2021.

Learned counsel for the petitioner submits that as per
the prosecution story, Rambabu Sahani (this petitioner) and
Yadola Sahani came to the shop of the informant to purchase
something but the informant told them that the shop has been



closed. Thereafter this petitioner started abusing the informant but co-villagers pacified the matter. After some time, all FIR named accused persons including this petitioner lashed with weapons came at the door of the informant and started abusing him. When the informant forbade them from abusing, all the accused persons including this petitioner assaulted him with farsa on his head as a result of which blood started oozing out of his head and he fell down. In the meantime, this petitioner took out Rs.10,000/- from the shop of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation of assault against the petitioner. The petitioner is in custody since 14.01.2022 having no criminal antecedent.

Learned counsel submits that the presence of the petitioner may be secure in course of trial.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that there is no specific allegation against the petitioner of causing assault on the informant, there is an ornamental allegation that the petitioner had committed a theft of Rs.10,000/- from the counter



of the shop of the informant, the petitioner has remained in custody in connection with this case since 14.01.2021 and he has otherwise no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, East Champaran, Motihari in connection with Mehsi P.S. Case No. 230 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

