

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35696 of 2022

Arising Out of PS. Case No.-644 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. SHYAMJEE SAH S/O SANTU SAH Resident of Village- Nuniadih, P.S.-
Kalibagh O.P., District- West Champaran.
 2. BADARI SAH S/O SHYAMJEE SAH Resident of Village- Nuniadih, P.S.-
Kalibagh O.P., District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2022 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 petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Bettiah
Town (Kalibagh O.P) P.S. Case No. 644 of 2020 registered for
the offences punishable under Sections 323, 341, 504, 506, 325,
307, 379/34 of the Indian Penal Code.

As per prosecution case, there is accusation against
petitioner no 1, Shyamjee Sah to have assaulted on the head of
informant by means of Gadasa. It is also alleged that petitioner
no. 2, Badari Sah gave iron rod blow on the hand of informant



as a result of which his hand was fractured. In the meantime, other co-accused persons entered into the house of the informant and took out Rs. 15,000/- cash and ornaments from the box.

Learned counsel for the petitioners submits that petitioners are in custody since 01.03.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is general and omnibus allegation against the petitioners. There is no allegation of repeated blow on the vital part of the body against petitioner no. 1. There is allegation against petitioner no. 2 to have assaulted upon the non vital part of the body. Injury report indicates that injury no 1 is upon the head which is grievous in nature but there is no repeated blow on the vital part of the body.

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, argument advanced on behalf of both sides, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners



above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town (Kalibagh O.P) P.S. Case No. 644 of 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) Petitioners 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 petitioners tamper 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)

vashudha/-

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