

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36783 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- RAJEPUR District- East Champaran

Sajan Sah Son of Manoj Sah, Resident of Village- Lohladpur, P.S.- Rajepur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Adv.
	:	Mr. Sanjay Kumar, Adv.
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP.
For the Informant	:	Mr. Dhananjay Kumar Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Rajepur P.S. Case No. 29 of 2020, lodged under Sections 341,
323, 307, 379, 504/34 of the Indian Penal Code.

As per the prosecution case, the date of occurrence is
admittedly 10.03.2020 for which on the next date i.e.
11.03.2020 scuffling takes place between the parties. As per the
F.I.R., on the order of father of petitioner, petitioner and one
Arvind Sah have attacked on the informant and his son, due to
which the head injury caused to informant and his son both.

Learned counsel for the petitioner submits that the said dispute has arisen on a very petty issue between the parties i.e. the issue of song on D.J. in the village. He further submits that F.I.R. has been filed from both the sides and in both F.I.Rs. it has been alleged that the dispute is of 11.03.2020, one F.I.R. has been lodged on 17.03.2020 and another F.I.R. has been lodged on 20.03.2020. Learned counsel for the petitioner further submits that the petitioner is not criminal, rather this dispute has taken place due to a very petty issue. He further submits that injury report is annexed in the petition as Annexure No.3 in which the injury of both informant and his son is there, from the injury report it transpires that one injury is grievous and another is simple in nature and caused by hard and blunt substance, definitely it has not been caused with the intention to kill. Learned counsel for the petitioner further submits that petitioner is in custody since 22.03.2022, charge sheet has already been filed and there is one criminal case pending against the petitioner, in which he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner and other co-accused have made attempt to kill the informant and his son but simultaneously admitted that the dispute has arisen on petty issue i.e. the issue of playing song on D.J. in the village.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari at East Champaran in connection with Rajepur P.S. Case No. 29 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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