

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39550 of 2022

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

Surenbra Sah S/O Late Baidnath Sah Resident of Jhakhra, Ward No.7, P.S.-
Nautan (Jagdishpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with
Nautan (Jagdishpur) P.S. Case No. 02 of 2022 registered for the
offences under Sections 341, 323, 324, 307, 448, 504 and 34 of
the Indian Penal Code.

As per the prosecution, the informant alleged that this
petitioner along with a co-accused armed with weapon (Dabila)
barged into the house of the informant and started assaulting the
informant and thereafter this petitioner assaulted the informant's
brother by inflicting several injuries by means of Dabila.



The main submissions advanced by learned counsel Mr. Bimlesh Kumar Pandey for the petitioner are that the petitioner has clean antecedent and as per the allegation made in the FIR, he was alleged to have assaulted the informant's brother by means of Dabila which is considered as a sharp edged weapon but the injuries found on the body of the informant's brother have been opined to be caused by hard and blunt object as per the injury report of the said injured filed as Annexure 2 and the nature of the weapon as opined by the concerned doctor falsifies the allegation made against the petitioner in the FIR. Further submission is that the injury report of the informant's brother is also some vague as the opinion of grievous injury in nature has not been given in respect of a particular injury and the same has been mentioned in a general manner which also shows some manipulation while preparing the injury report of the informant's brother.

Learned APP Mr. Akhileshwar Dayal appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the injury report of the informant and his brother filed as Annexure 2 series. The petitioner has been languishing in jail since 11.04.2022 and he is alleged to have inflicted Dabila blows on



the body of the informant's brother and as per the above submission which has not been refuted by the learned APP, the said weapon is considered as a sharp edged weapon but according to the injury report of the informant's brother all the injuries found on the body of the informant's brother have been opined to be caused by hard and blunt object and the said medical expert's opinion does not corroborate with the allegation made against the petitioner in the FIR. Considering these facts as well as petitioner's custody period and his clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in Connection with 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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