

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52524 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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Nand Kishor Sahu, S/o Sitaram Sahu Resident of Village Basuara Navtoli,
P.S. Town, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Adv.
For the informant	:	Mr. Rakesh Bihari Singh, Adv.
For the State	:	Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner, learned APP for

the State and Mr. Rakesh Bihari Singh, learned counsel appearing on

behalf of the informant.

The matter arises out of Town (Madhubani) P.S. Case
No.118 of 2020 instituted under Sections 307, 323, 324, 341, 354(B),
379, 504 and 506/34 of the Indian Penal Code lodged on 06.05.2020
by the informant Kailash Sahu.

As per the prosecution story, he has gone to his field and
his wife was at his home. The informant used to collect his part of the
dung and this was resented by Rajendra Sahu and Shila Devi. On
01.04.2020 all the accused persons including this petitioner herein
armed with spade, *lathi*, *farsa*, iron rod came to his land and started
abusing his wife. When she objected to it she was threatened. When
the informant came forward, it is alleged that this petitioner
repeatedly gave *farsa* blow to him causing injury on him. Allegations



against other accused persons are that when his father came to his rescue he too was assaulted and allegation of out raging the modesty of his wife has also been attributed to different accused persons. The last allegation is that before leaving they snatched golden '*Mangal Sutra*' worth Rs.70,000/- from his wife's neck.

Learned counsel for the petitioner submits that both the petitioner and the informant are agnates and due to strained relationship they all have been impleaded as accuseds. He further submits that there is delay in the lodging of the FIR without any plausible reason, the injury report also shows that the injury on the head is simple in nature. He has lastly submitted with support of para-13 of the bail application that the petitioner surrendered on 02.08.2021 and is since then in jail.

Case diary was called for in this case by a co-ordinate Bench of this Court on 25.01.2022. Learned APP representing the State has gone through the case diary and has submitted that although the allegation that has come in the FIR against the petitioner herein has been supported in course of investigation also, the injury report shows that the same is simple in nature. Mr. Rakesh Bihari Singh, learned counsel for the informant submits that although the injury has been shown as simple in nature but facts remains that the blow was made on the head.

Considering the aforesaid facts, having taken note of the submissions forwarded by the learned counsel for the petitioner, the



State and the informant and the fact that the injury having shown as simple in nature and the petitioner is in jail since 02.08.2021, 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 learned Chief Judicial Magistrate, Madhubani in connection with Town (Madhubani) P.S. Case No.118 of 2020, subject to following conditions:

(i) the petitioner shall ensure his presence on each and every date before the trial court and failure to do so for two consecutive dates without plausible reason; his bail bond shall be liable to be cancelled by the Trial Court itself;

(ii) the petitioner shall desists from committing any criminal offence and if the same is repeated, the State shall be at liberty to take steps for cancellation of his bail bond.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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