

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50227 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- SURSAND District- Sitamarhi

SURESH CHAUBEY S/o Rup Narayan Chaubey R/o village- Birakh @
Birrah, P.S.- Sursand, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sursand P.S. Case No. 103/2022, registered for the offence punishable under Sections 341, 447, 323, 324, 325, 307, 354(B), 379, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons having arrived at the house of the informant, variously armed, whereupon they are stated to have assaulted the informant and her family members. As far as the petitioner is concerned, he is stated to have attacked the



husband of the informant with knife and injured his head, forehead and ear.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 7.4.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but the same have also been filed by the family members of the informant. It is also stated that the present case arises out of case and counter case, inasmuch as the petitioner has also filed a case bearing Sursand P.S.Case No. 112/2022 against the son of the informant and others, hence, it is submitted that on account of village rivalry, cases and counter cases are being filed by both the sides. The learned counsel for the petitioner has further submitted that the injury attributable to the petitioner qua the husband of the informant is not life threatening, hence, benefit of doubt can be granted for the purposes of



grant of bail to the petitioner and for the said purposes, the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the injury attributable to the petitioner, inflicted upon the husband of the petitioner, is not life threatening, the present case arises out of case and counter case and the petitioner is languishing in custody since 7.4.2022, though I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Pupri, Sitamarhi in connection with Sursand P.S. Case No. 103/2022.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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