

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54390 of 2022**

Arising Out of PS. Case No.-442 Year-2021 Thana- NAUTAN District- West Champaran

Omprakash Sahani @ Brajkishore Kumar Son o f Sri Mahanth Sahani R/V-
Sundarpatti, P.S- Nautan, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Nautan P.S. Case No. 442 of 2021 registered for the offences under Section 147, 341, 328, 307, 379, 504 of the Indian Penal Code. He is in custody since 21.02.2022 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 13.11.2021 while she was sitting at her door, on account of previous land dispute, all the accused persons started



hurling abuses and on objection, she was assaulted by the accused persons by means of lathi. The informant further alleged that when her dewar came to save her he was also assaulted with rod and lathi causing injuries in his head and neck. The informant further alleged that when her mother-in-law came to rescue she was also assaulted. The accused persons also took away Rs. 50,000/- from her house. Thereafter all the injured were brought to G.M.C.H., Bettiah for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is a land dispute between the parties.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the allegation of causing assault by iron rod is against this petitioner and one more accused but the injury report annexed as Annexure '2/1' does not show any obvious external injury, the petitioner is said to have remained in custody since 21.02.2022, he has otherwise no criminal antecedent, investigation against him is complete and at this stage there is no submission that his presence cannot be secured in course of



trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Sumit Kumar, learned Judicial Magistrate - 1st Class, Bettiah, West Champaran in connection with Nautan P.S. Case No. 442 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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