

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65934 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. Allauddin Sah @ Alauddin Sah Son of Nathu Sah R/o village - Rupauli, P.S.- Bathnaha, District - Sitamarhi
2. Khusaid Sah Son of Allauddin Sah R/o village - Rupauli, P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State in virtual court proceedings.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 12.05.2020 at 10:00 .M., accused petitioners alongwith other co accused, variously armed with, came at the informant's Darwaja, surrounded and abused him and on protest accused



petitioner Allauddin inflicted farsa blow with intention to kill him causing bleeding injury. Accused petitioner Khusaid Sah inflicted garasa blow upon the head of the informant. Accused osaid Sah and one other also inflicted spade and lathi blow to the informant causing injury to him.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the petitioners and the informant are *gotiyas* and there is admitted land dispute between the parties. He further submits that on the date of occurrence it was free fight between the parties due to land dispute. Further submits that co-accused namely Khusaid Sah has been granted bail by a Coordinate Bench of this Court in Cr. Misc. No. 35526 of 2020 and the petitioners are in custody since 28.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection



with Bathnaha P.S. Case No. 113 of 2020, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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