

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3121 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- NAUTAN District- West Champaran

RAJ KUMAR SAH S/o Late Gudar Sah R/o Village- Jamuniya Barai Tola,
P.S.- Jagdishpur, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Nautan Jagdishpur P.S. Case No. 398 of 2022 dated 22.07.2022 registered for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

The petitioner along with others alleged to have assaulted the informant and his family members by iron rod and lathi due to which they sustained injuries.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of previous land dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that according to the



F.I.R. the petitioner has assaulted the informant on his foot claws of left leg causing fracture injury. He further submits that the injury report suggest that the injury sustained by the injured is grievous in nature but the same is not sustained on the vital part of the body and also does not corroborate with the allegation leveled against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he is on bail.

Considering the facts and circumstances of the case, let the, above named, 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 Judicial Magistrate-1st, Class, Bettiah, West Champaran in connection with Nautan Jagdishpur P.S. Case No. 398 of 2022 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

(Rajesh Kumar Verma, J)

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