

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5225 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- MAJHAULIA District- West Champaran

ASHOK SAH Son of Late Rameshwar Sah R/V- Dudha Chaturi, P.S-
Majhauria Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.05.2022 in connection with Majhauria P.S. Case No. 09 of
2022, F.I.R. dated 04.01.2022 for the offences punishable under
Sections 341, 323, 324, 307/34 of the Indian Penal Code.

According to prosecution case, on the basis of
fardbeyan of informant namely, Niraj Kumar stating therein
that because of old dispute his Pattidar Ashok Sah came at his
door and started abusing to him, which was objected by him
then the F.I.R. named accused persons including the petitioner
armed with Lathi, Farsa, thereupon Satish Sah assaulted with
Farsa on head causing injury there, then Ashok Sah assaulted
with iron rod on right hand causing fracture injury in the
meanwhile Lalmuni Devi came to rescue to whom Satish
assaulted with Farsa on her head. The informant fell down, then



Ashok Sah tore blouse and Sari of his mother.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present occurrence has taken place due to admitted land dispute and both the parties are Pattidar and the allegation against the petitioner is that he has assaulted the informant by iron rod causing injury of his right hand and it appears from the injury report that the injury is not on vital part. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 09 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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