

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5665 of 2023

Arising Out of PS. Case No.-164 Year-2015 Thana- SUGAULI District- East Champaran

NAGINA SAH SON OF LATE YODHA SAH R/O VILL.- CHHAPARA
BAHAS, P.S.- SUGAULI, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar
For the Opposite Party/s :	Mr.Anil Kumar Singh No. 1
	Mr. Pravin Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-05-2023 Heard the learned counsel for the petitioner and

learned APP for the State, assisted by the learned counsel for the

informant.

This is an application for regular bail on behalf of

the petitioner for the offences alleged under Sections 341, 342,
323, 324, 307, 379, 504 and 34 of the Indian Penal Code
registered in connection with Sugauli P.S.Case No. 164 of 2015.

The learned counsel for the petitioner has submitted

that there is allegation against the petitioner that he assaulted the
informant on his head with *lathi*, but injuries are simple in
nature, caused by hard and blunt substance. The petitioner is a
person of clean antecedent and is in custody since 04.11.2022.

On the other hand, the learned counsel for the



informant has submitted that earlier the petitioner was granted anticipatory bail with other co-accused persons by the court below, but their bail bonds stood cancelled on the ground that they had concealed the fact that the injury of the injured Motilal was simple in nature, whereas it was grievous in nature, to which the learned counsel for the petitioner has replied that the allegation against the petitioner is not of inflicting assault on the injured Motilal, who has suffered grievous injuries, whereas the specific allegation against the petitioner is to assault the informant, who has suffered simple injury.

Considering the clean antecedent and period of custody, above 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 learned 9th Additional Sessions Judge, Motihari, East Champaran in connection with Sugauli P.S. Case No. 164 of 2015, subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner



and the learned court below will take decision in
accordance with law.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

