

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15026 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- BABUBARHI District- Madhubani

BHAIRAB SAHU S/O HIRAI SAHU R/v- Dhamaura, P.S.- Babubarhi,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Babubarhi P.S. Case No. 205 of 2022 dated 09.09.2022 registered for the offence under Sections 341, 323, 447, 448, 504 and 307 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The petitioner is alleged to have assaulted the sister-in-law of the informant by brick on her head due to which she sustained injury on her head and succumbed to the injury during treatment.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that



the informant happens to be sister-in-law of the petitioner and on bare perusal of the F.I.R., it appears that the occurrence took place on 30.08.2022 whereas the F.I.R. has been instituted on 09.09.2022 after lapse of eleven days without explaining the delay. He further submits that as a matter of fact the parties are agnates and there was dispute between them with respect to partition of property and on account of that the petitioner has been made accused in this case. He further submits that it appears from the F.I.R. itself that no one has seen the alleged occurrence and merely on the basis of suspicion, petitioner is being prosecuted in this case. 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 11.09.2022.

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

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 A.C.J.M.-1st, Madhubani in connection with Babubarhi P.S. Case No. 205 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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