

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23236 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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HIRA LAL SAH SON OF LATE AMAR SAH RESIDENT OF VILLAGE -
PATAURA, (LALA TOLA) PS- MUFFASIL, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 167 of 2022 registered for the offence under
Sections 341, 323, 324, 379, 354, 307, 504 and 34 of the Indian
Penal Code.

The petitioner is alleged to have inflicted repeated
farsa blow on the head of the informant with intention to kill him
and other accused persons have also assaulted the informant
with lathi and danda.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation as alleged in the
F.I.R. is false and fabricated. There was land dispute between



them and on account the same, altercation took place between the parties for which case and counter case has been lodged by the parties. He further submits that though there is allegation of assault on the head of the informant by farsa but no injury report is available on record to substantiate the allegation of assault against the petitioner. He further submits that the occurrence is alleged to have taken place on 19.02.2022 whereas the F.I.R. has been registered on 11.03.2022 after lapse of twenty-one days without any explanation which itself creates doubt over the prosecution. 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 02.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 Chief Judicial Magistrate, East Champaran (Moithari) in connection with Muffasil P.S. Case No. 167 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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