

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28815 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- SUGAULI District- East Champaran

Rupesh Sahani @ Rupesh Kumar Sahani Son of Late Vijay Sahani @ Vinay Sahani Resident of village - Belwatiya, P.S. - Sugauli, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-08-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 04.02.2023 in connection with Sugauli P.S. Case No. 219 of 2022, F.I.R. dated 07.05.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

4. According to prosecution case, due to land dispute this petitioner along with other accused persons have brutally



assaulted the informant and her son and husband. It is further alleged that this petitioner gave a *farsa* blow on the head of son of the informant which causes him several injuries.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the date of occurrence is 01.05.2022 but the present F.I.R was instituted on 07.05.2022 i.e. after delay of 6 days without giving any explanation of the said delay. He further submits that the allegation against the petitioner is that he has assaulted Santosh Sahani by means of *farsa* on his head and the injury report of Santosh Sahani suggests that he has received 4 injuries and out of 4 injuries, injury nos. 2, 3 and 4 are simple in nature and injury no. 1 is not on the vital part of the body. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.02.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted to one Santosh Sahani due to



which he has received 4 injuries.

7. 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, East Champaran at Motihari in connection with Sugauli P.S. Case No. 219 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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