

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52823 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

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MUKESH SAHNI @ MUKESH KUMAR son of Newalal Sahni Village-
Harser PS- Siwaipatti Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Siwaipatti
P.S. Case No. 66 of 2022 registered for the offence under Sections
341, 323, 324, 36, 308, 504, 506/34 of the Indian Penal Code.

The petitioner is alleged to have inflicted knife blow
upon the informant causing him injury hear his nose and the co-
accused, Nilam Devi inflicted iron rod blow causing him injury on
his head and thereafter when her wife and daughter came to
rescue him, they have also been subjected to assault.

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
there is land dispute between the parties and on account thereof



scuffle took place between them in which both the parties have sustained injuries for which case and counter case have been lodged by both the parties against each other. He further submits that on bare perusal of the F.I.R., it appears that the petitioner has inflicted knife blow upon the nose of the informant, however, the injury report of the informant suggest that he has sustained two injuries; one is opined to be grievous in nature which is said to be on nose caused by a sharp cutting object and the another one is opined to be simple in nature caused by a hard and blunt substance. 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 11.04.2023.

Learned A.P.P. for the State vehemently 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 S.D.J.M. (East), Muzaffarpur in connection with Siwaipatti P.S. Case No. 66 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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