

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54913 of 2022

Arising Out of PS. Case No.-100 Year-2020 Thana- AURAI District- Muzaffarpur

RAM SEWAK SAH Son of Gonaur Sah Resident of Village - Atrah (Atrar),
P.S.- Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 354, 504 and
506 of the Indian Penal Code.

According to prosecution case, the allegation against
the petitioner is of assaulting his wife and when the informant
tried to pacify the matter, the petitioner abused her saying Daain
and on protest, he assaulted her by phatta causing bleeding
injury on her head.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the
allegation, there is specific allegation against the petitioner that



he gave phatta blow on the informant and she sustained injury. He further submits that in fact the petitioner was struggling with his wife and the informant has come to rescue. He further submits that during investigation, the police has not filed the charge sheet under the Daain Act against the petitioner. He further submits that there was no intention to kill the informant and there is no repetition of blow. The police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.07.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the injury report of the informant suggests that the nature of injury is grievous in nature.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Aurai P.S. Case No. 100/2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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