

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64189 of 2022

Arising Out of PS. Case No.-398 Year-2022 Thana- NAUTAN District- West Champaran

RAJESH SAH Son of Late Gudar Sah R/V- Jamuniya, Barai Tola, Ward No. 4, P.S- Nautan (Jagdishpur) Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Nautan (Jagdishpur) P.S. Case No. 398 of 2022 registered for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 379 and 504 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 05.09.2022.

The allegation against the petitioner is to assault informant and other by using *lathi*, iron rod, etc., causing bodily injuries having intention to cause death, due to long standing land disputes.



Learned counsel appearing on behalf of the petitioner submitted that allegation as appears against this petitioner from the face of FIR that, during course of occurrence, he assaulted informant by using iron rod. It is submitted that no injury was noticed on right hand of informant/injured, as alleged while conducting his medical examinations. It is also pointed out that occurrence is free fight in nature, where both parties received injuries and it can be safely gathered that petitioner was not under intention to cause death. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no such injury received by informant/injured as alleged through FIR qua medical report coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nautan (Jagdishpur) P.S. Case No. 398 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned C.J.M., Bettiah, West Champaran/concerned court,
subject to the condition as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

