

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66065 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- PAHARPUR District- East Champaran

Jawahar Sah, Son Chanar Sah R/o vill - Khairwa Chaubey Tola, P.S. - Malahi,
Distt. - East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Paharpur (Malahi) P.S. Case No. 273 of 2023, lodged on
16.07.2023 under Sections 341, 323, 324, 307, 504, 34 of the
Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged
against 8 named accused persons including the present petitioner.
Allegation against the petitioner is that he attacked by *gadasa* on
the head of the informant due to which the informant sustained
injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel also
submits that both the informant and the petitioner are close
relatives and agnates and they are resident of the same village and
the present occurrence took place only due to land dispute



between them as it has been alleged in the FIR itself. Counsel further submits that on the previous occasion, case diary and injury report has been called for and the injuries are simple in nature.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 17.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is direct allegation against the present petitioner who attack the informant by *gadasa*.

7. Upon perusal of the case diary in paragraph no.34, it transpires that the nature of injury is simple and it also transpires to this Court that there are two criminal cases pending one from each side i.e. from the petitioners' side, the case was filed in connection with Paharpur P.S. Case No. 272 of 2023 and from the informants' side, the case was filed in connection with Paharpur (Malahi) P.S. Case No. 273 of 2023.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East



Champaran in connection with Paharpur (Malahi) P.S. Case No. 273 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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