

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67541 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- SULTANGANJ District- Bhagalpur

1. BIJAY SAH @ VIJAY SAW S/O SRI JHAKE SAH
2. ASHOK SAW @ ASHOK SAH S/O SRI JHAKE SAW @ JHAKE SAH
Both Resident of Village- Munshi Patti Kalisthan Road, P.S.- Sultanganj,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 448,341,323,324,325,307,504,506,34 of
the Indian Penal Code.

Allegation against petitioner No.1 is that he assaulted
to the informant with spade causing injury on his shoulder and
also assaulted to the father of the informant by means of lathi
and there is no specific allegation of assault against petitioner
No.2.

Learned counsel appearing for the petitioners submits
that the petitioners have falsely been implicated in the present



case. Further submits that it appears from the FIR that the allegation against petitioner No.1 is that he assaulted to the informant and there is no specific allegation of assault against petitioner No.2. Further submits that the injury report of the informant, namely, Dayanand Saraswati suggests that the injury is simple in nature caused by hard and blunt substance. Further submits that due to previous land dispute, the present occurrence took place and the police, after investigation, submitted chargesheet against the petitioners and petitioner No.1 is in custody since 10.01.2022 and petitioner No.2 is in custody since 06.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners on the ground that the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sultanganj P.S. Case No. 122 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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