

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73893 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- PATORI District- Samastipur

JITENDRA KUMAR SAH S/o Shri Chulhai Shah R/o- Bandeeh Asli, P.S.-
Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 25.06.2022 in connection with Patori P.S. Case No. 243 of 2022, F.I.R. dated 25.06.2022 registered for the offence punishable under Sections 147,148,341,323,324,325,307,354,504,506,149 of the Indian Penal Code and amended Section 302 of IPC 1860 and Section 27 of the Arms Act.

Allegation against the petitioner and other co-accused persons is that they assaulted to Abhay Kumar by reverse Farsa blow and broke his left hand.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears



from the FIR that the present occurrence took place on the issue of cutting the Pomegranate Tree which was on a public land. Further submits that the allegation against the petitioner and other accused persons is that they have assaulted to Abhay Kumar by reverse Farsa blow and broke his left hand. Further submits that it appears from the FIR that the petitioner has not alone assaulted to Abhay Kumar rather petitioner alongwith other co-accused persons have assaulted to Abhay Kumar. Further submits that there is case and counter case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.06.2022.

Learned APP for the State, on other other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the injury report of injured Abhay Kumar suggests that the injury is grievous in nature but fairly submits that the injury is not on the vital part of the body.

Considering the aforesaid fact, let the petitioner, above named, 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 Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No. 243 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 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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