

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70375 of 2022

Arising Out of PS. Case No.-674 Year-2021 Thana- KUDHNI District- Muzaffarpur

Satrudhan Sah @ Satrudhan Kumar Son of Ram Sakal Sah Proprietor of Om Sai Rice Mill, Resident of Village- Mornisf, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 02.07.2022 in connection with Kudhni (Turki OP) P.S. Case No. 674 of 2021, F.I.R. dated 03.09.2021 for the offences punishable under Sections 341, 323, 420, 379, 120(B), 504 and 506/34 of the Indian Penal Code.

According to prosecution case, the petitioner along with other unknown persons arrived at the house of the informant and started talking in respect of paddy



misappropriation and also misbehaved with him by assaulting with fist and slaps.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has no concern at all with the offences as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record as well as the counter affidavit filed on behalf of the District Magistrate, Muzaffarpur and submits that no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and referred to paragraph 10 of the counter affidavit that “ it is evident from online Departmental portal that neither paddy is given, nor CMR is accepted”. He further submits that the petitioner carries 3 criminal antecedents other than the present one but fairly submits that he is on bail in all the 3 cases.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, 1st (West) Muzaffarpur in connection with Kudhni (Turki OP) P.S. Case No. 674 of 2021, 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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