

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68681 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- BANIAPUR District- Saran

Mukesh Sah Son of Harendra Sah R/v- Pindari, P.S.- Baniyapur, District-
Saran at Chapra Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2023 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
27.09.2022 in connection with Baniyapur P.S. Case No. 422 of
2022, F.I.R. dated 18.08.2022 for the offences punishable under
Sections 341, 323, 324, 325, 307, 504, 506 read with Section 34
of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons came at the house of the informant
and started hurling abuses for the matter of construction and on
protest, all the accused persons caught him and his family
members and started assaulting with weapons in their hands due
to which informant and his wife and son sustained injuries.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Baniyapur P.S. Case No. 419 of 2022 filed by the family members of the petitioner against the family members of the informant. He further submits that there is specific allegation against the petitioner that he has assaulted the informant. He further submits that in the present occurrence, both the sides sustained injuries and the injury report of the informant suggest that there are three injuries in which injury no. 1 is grievous in nature and injury nos. 2 and 3 are simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against the petitioner.

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, Saran at Chapra in connection with



Baniyapur P.S. Case No. 422 of 2022, 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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