

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35404 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- KATHAIYA District- Muzaffarpur

Om Prakash Sah Son of Late Ram Binod Sah Resident of Village - Gawaspur,
P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Adv.

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kathaiya P.S. Case No. 125 of 2023 instituted for the offences under Sections 341, 323, 324, 304, 354, 354(B), 379, 427, 447, 448, 452, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of abusing, trying to outrage the modesty of Informant's daughter and wife as well as assaulting the family members of the Informant by knife. It is alleged against the accused petitioner that he gave a knife blow on the head of the Informant's daughter due to which her ear got cut off. He also gave another knife below on her shoulder. When



the younger brother/Arvind Singh came for rescue, he gave him a knife blow on his *Panjer*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to past enmity. There is an unexplained delay of three days in lodging the F.I.R. There is no independent witness in this case to support the prosecution case. He further submits that the from the injury report, it appears that the injury is simple in nature. The petitioner has three criminal antecedents and is languishing in judicial custody since 06.01.2024 without any rhymes or reason. He submits that charge-sheet bearing charge-sheet no. 34 of 2024 has been submitted under Sections 341, 323, 324, 354, 354(B), 427, 447, 448, 452, 504, 506 of the I.P.C. which are triable by the Magistrate.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that the petitioner is named in the F.I.R. and the offence alleged is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kathaiya P.S. Case No. 125 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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