

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39297 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHISHI District- Saharsa

Mantun Sah son of Ramdeo Sah, R/O Vill.- Baluaha, P.S.- Mahishi, Dist.- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Devi wife of Mantun Sah, R/O Vill.- Baluaha, P.S.- Mahishi, Dist.- Saharsa.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Binod Kumar Sinha, the learned counsel

for the petitioner, the learned counsel appearing on behalf of the

informant and Mr. Braj Kishore Pd., the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

25.10.2023, in connection with S.T. Case No. 13 of 2024,

arising out of Mahishi P.S. Case No. 280 of 2023, FIR dated

24.10.2023, registered for the offences punishable under

Sections 341, 323, 307, 504, 506 and 498(A) read with Section

34 of the Indian Penal Code.

3. According to the prosecution case, the in-laws of

the informant started abusing and assaulting the informant and

upon her protest, they sprinkled kerosene oil upon her and set

her on fire.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from bare perusal of the FIR, it appears that although there is specific allegation against the petitioner that he has assaulted to his wife, however, injury report of the injured person suggests that injury is simple in nature caused by hard and blunt object. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 25.10.2023.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and the injury report of the injured person suggests that injury is simple in nature, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Saharsa, in



connection with **Mahishi P.S. Case No. 280 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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