

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44285 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- PATAHI District- East Champaran

Baidyanath Sah @ Baidhanath Sah S/o Late Rajendra Sah R/o Village-
Bakhari, P.s.-Patahi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Kumar Tiwari, Adv.
For the State	:	Mr.Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Prateek Tandon, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with Patahi
P.S. Case No. 50 of 2024 instituted for the offences under
Sections 341, 323, 324, 307, 379, 504, 506, 354(B), 34 of the
Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is of assaulting the husband of the Informant by
means of knife with an intention to kill him due to which he
sustained injuries on his neck, forehead, ear, chest, stomach and
back. It is further alleged that in the meantime, the wife of the
petitioner entered into the house of the Informant and forcibly
snatched her *Mangalsutra*. It is also alleged that when the
brother-in-law of the Informant came to save them then he was
also assaulted by the accused persons by means of knife on his



chest.

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. The petitioner and the Informant are co-villagers and, due to family dispute, the petitioner has been falsely implicated in the present case. There is a case and counter case between the parties. He further submits that the injury reports shows that the injuries sustained by the Informant and other persons are simple in nature. The petitioner has one criminal antecedent in which he has been acquitted and is languishing in judicial custody since 28.03.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, submitting that the allegation made against the petitioner is serious in nature. From the injury report, it appears that there were three injured persons and, one of them, namely, Shashi Shekhar sustained multiple sharp cut injuries.

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, *after framing of charge if not already framed*, 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 Patahi P.S. Case No. 50 of 2024, 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.
- (iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

