

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57437 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BAJPATTI District- Sitamarhi

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Ramnath Sah S/o Late Laxmi Sah Resident of Village ward no 12,
Madharapur, Ps- Bajpatti, District- Sitamarahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Ayush Kumar, learned Advocate for the

petitioner and Mr. Satyendra Narayan Singh, learned APP for

the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bajpatti P.S. Case No.165 of 2024 registered
for the offence punishable under Sections 341/ 323/ 324/ 307/
379/ 385/ 504/ 506/ 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant was at his home, in the
meantime all the accused persons barged into the house; It is
specifically alleged that this petitioner gave dabiya blow over
the head of the son of the informant causing serious injury.
There is further allegation against other accused persons of
causing assault to other persons.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted in the premise of a long standing



enmity leading to filing of civil cases from both the sides. It is next contended that the allegation levelled in the FIR does not corroborate with the injury report, inasmuch as the injury has been found to be simple in nature. In support of the contention the copy of the injury report has been brought on record as Annexure-P/4. It is next contended that though the petitioner has one criminal antecedent as has been mentioned in Paragraph No.3, however, the same has been instituted by the husband of the informant. It is lastly contended that be that as it may, now the petitioner has been incarcerated since 15.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the specific allegation of causing dabiya blow has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury coupled with the fact that the FIR has been instituted in the premise of long standing enmity, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st (P)-Sitamarhi in connection with Bajpatti P.S. Case No.165 of



2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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