

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80769 of 2024

Arising Out of PS. Case No.-532 Year-2023 Thana- SUPAUL District- Supaul

Arvind Kumar Sah @ Arvind Sah Son of Gupat Sah @ Bhupat Sah R/O-
Kharail Kampur, Ward No- 11, P.S and Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pratibha Srivastava, Adv.
Mr.Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard Mr. Pratibha Srivastava, learned counsel for
the petitioner and Mr. Sanjay Kumar Singh, learned APP.

2. The petitioner is in judicial custody in connection with Supaul P.S. Case No. 532 of 2024 for the offences punishable under section 341, 323, 324, 307, 354(B), 379, 385, 504, 506/34 of the IPC lodged on 30.06.2023 by the informant, Kuldip Kumar Sah.

3. As per the prosecution story, the informant alleged that when he was sleeping in the house, the accused persons armed variously came and started assaulting. This injured the informant. When the younger brother, Pradeep Kumar Sah came to save him, he was also assaulted, got injured. Allegation of outraging the modesty as also taking the amount are against the



petitioner. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that both are agnates and this is a counter blast to the earlier FIR lodged by the petitioner's side. Learned counsel for the petitioner has taken this Court to the order of learned Sessions Judge to show that though there is sharp cutting injury from the informant, the same has been found to be simple in nature, has remained in custody since 19.08.2024 (para-4 of the petition). The last contention is that irrespective of the outcome of the present case and or accepting the allegation, he intends to pay Rs.10,000/- (Ten thousand) to the informant to be paid through the demand draft issued by the local State Bank of India branch in favour of the informant and submit before the concerned Court.

5. Learned APP opposes the prayer submitting that the allegation against him is of assaulting the informant which is on the vital part.

6. Considering the submissions put forward by the parties as also the fact that there is case and counter case, the petitioner is in custody since 19.08.2024, as per the observation of learned Sessions Judge, the injury has been found to be simple in nature, FIR lodged, he will be diligently appearing in



the trial as undertaken, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- through demand draft issued by the local State Bank of India in favour of the informant which shall be handed over after checking the credentials.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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