

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83174 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- Chhaudahi District- Begusarai

Rohit Kumar Sah @ Rohit Kumar Sahu Son of Late Triveni Sahu R/O Vill.-
Ekamba, Ward no. 04, P.S.- Chhaurahi, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs. Namita Sharma, Advocate Mr. Anshu Dhar Sharma, Advocate
For the Informant	:	Mr. Chandan Kumar Kashyap, Advocate
For the State	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2024 Heard Mrs. Namita Sharma, the learned counsel for the petitioner, Mr. Chandan Kumar Kashyap, the learned counsel for the informant and Mr. Rabindra Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 03.07.2024, in connection with Chhaurahi P.S. Case No. 55 of 2024, FIR dated 03.06.2024, registered for the offences punishable under Sections 341, 323, 307, 379, 354(B), 448 and 506 read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 60801 of 2024, which was dismissed as withdrawn with a liberty to file fresh application in accordance with law *vide* order dated 18.10.2024.



4. According to the prosecution case, the petitioner along with his family members was constructing boundary on his land due to which informant's path got obstructed and when the informant opposed the same then the co-accused persons assaulted the informant and his family members and also took Rs. 1,000/- (rupees one thousand only) from the pocket of informant's father and cash Rs. 20,000/- (rupees twenty thousand only), gold and silver ornaments from the house of the informant.

5. 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 although, there is specific allegation against the petitioner that he has assaulted to the husband of the informant, however, the present occurrence has taken place due to admitted land dispute between the parties, both the parties are agnates and there is case and counter case between the parties as well. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 03.07.2024.



6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he has assaulted to the husband of the informant. Apart from that, the injury that informant's husband has received is grievous in nature.

7. Considering the aforesaid facts and circumstances as well as petitioner's period of custody, 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 Sub-Divisional Judicial Magistrate, Begusarai, in connection with **Chhaurahi P.S. Case No. 55 of 2024**, 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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