

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54706 of 2025

Arising Out of PS. Case No.-355 Year-2019 Thana- CHANPATIA District- West Champaran

Kishori Sah S/o Late Sunar Sah R/o Village- Jaitiya Bheriyari Tola, Police
station-Chanpatiya, District-west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks bail in connection with
Chanpatiya P.S. Case No. 355 of 2019 registered for the
offences punishable under Sections 341, 323, 307, 504, 506/34
of the Indian Penal Code.

3. As per prosecution case, there is allegation that
petitioner is said to have assaulted the informant's son by means
of spade (*kudal*) as a result of which he sustained injury on his
ribs (*Panjra*).

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as
alleged in the first information report and he has been falsely
implicated in this case. It is submitted that through there is
allegation of assault against the petitioner by means of spade



(*kudal*) but the said allegation is not corroborated by the Injury Report, as contained in Annexure-2. The injury report indicates that the weapon used is hard and blunt substance and the injuries are simple in nature. Learned counsel submits that there is case and counter case between the parties. It is submitted that both parties are co-sharers and both sides received injuries. It is submitted that there is admitted land dispute between the parties and in cases of land dispute facts are generally exaggerated to make the offence graver. Petitioner is in custody since 15.06.2025. Petitioner bears criminal antecedent of one case in which he is already on bail. Learned counsel for the petitioner submits that co-accused Sandeep Sah, on similar and identical allegation, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 47853 of 2025 and on the principle of parity petitioner also deserves to be granted bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. It is submitted that there is specific allegation of assault against the petitioner which is supported by the injury report.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 355 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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