

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.37411 of 2021**

Arising Out of PS. Case No.-270 Year-2020 Thana- BAIRIYA District- West Champaran

Khokhan Vishwas @ Prabhash Vishwas Son Of Sri Bipin Vishwas Resident  
Of Village - Sirisiya Colony, Ward No.9, P.S.- Bairiya, Distt.- West  
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      18-01-2022              Learned counsel for the petitioner undertakes to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr. Indihar  
Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in  
connection with Bairiya P.S. Case No. 270 of 2020 registered for the  
offences punishable under Sections 147, 341, 323, 324, 307, 504,  
506/34 of the Indian Penal Code. He has got no criminal antecedent  
and is in custody since 24.12.2020.

As per the prosecution story, this petitioner had given one  
iron rod blow on the head of the informant thereafter he fell down  
and then the co-accused Aman Kumar Sikdar had assaulted the  
informant by a knife on his head and on shoulder causing injuries to



the informant. Further when the cousin brother of the informant came to save him the co-accused Manindra Mandal assaulted him by an iron rod on his head which caused injury on the head of Mithun Kumar Das.

Learned counsel for the petitioner submits that the alleged occurrence took place on 29.05.2020 whereas the present FIR has been lodged on 10.06.2020. It is his further submission that this case is one of false implication because of the earlier case being Bairiya P.S. Case No. 264 of 2020 lodged on 04.06.2020 for the offences inter alia under Section 307 IPC from the accused side of this case against the informant Satish Chandra Das and Mithun Kumar Das and others.

It is further submitted that co-accused Aman Kumar Sikdar and Manindra Mandal have been allowed privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 5748 of 2021. Since the petitioner has remained in custody for over one year and the investigation against him is complete, the petitioner may be released on bail.

Dr. Indihar Kumari, learned APP for the State has though opposed the prayer for regular bail of the petitioner but accepts to the extent that the FIR has been lodged with a delay of about 13 days.

Having regard to the materials placed before this Court, considering that there was a case earlier lodged from the petitioner's side against the informant, the allegations of assault are against the



petitioner as well as the co-accused and the injury report shows only one lacerated wound on the head of the informant which is said to be grievous in nature, the petitioner has already remained in custody for over one year, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 270 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that 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 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.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

