

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14281 of 2023

Arising Out of PS. Case No.-343 Year-2020 Thana- CHANPATIA District- West Champaran

Vishal Kumar S/o Tharu Prasad @ Krishna Prasad R/o Chanpatiya, Ward no. 06, P.S.- Champatiya, Distt- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Chanpatiya P.S. Case No. 343 of 2020 registered for the offences punishable under Sections 341, 323, 307, 354B, 379, 504, 506/34 of the Indian Penal Code. He has got one criminal antecedent.

As per the prosecution story, on 12.07.2020 at about 07:00 P.M. when the informant was cooking food, the accused Mahish Kumar caught hold of her and tried to disrobe her. On alarm, when her son came to rescue, all the FIR named accused persons including this petitioner assaulted him with fists and kicks. The co-accused Pallavi Kumari snatched mangalsutra worth Rs.12,000/- from the neck of the informant. When the husband of the informant came to rescue, Vishal Kumar (this



petitioner) gave an iron rod blow on his head and on the order of accused Ashok Prasad, this petitioner again inflicted iron rod blow on his head as a result, he sustained head injuries and became unconscious.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that injury report shows simple injuries. It is submitted that there is case and counter case of the alleged occurrence.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, there being a case and counter case of the alleged occurrence in which this petitioner is said to have assaulted the husband of the informant, the injury report of the husband of the informant shows that he has suffered three injuries caused by hard and blunt substance but those are simple in nature, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Chanpatiya P.S. Case No. 343 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount



each to the satisfaction of learned C.J.M., Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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