

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14703 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- PARBATTa District- Khagaria

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ANNU SAH Son of Birju Sah R/V- Mojahida, P.S.- Parbatta, District-
Khagaria (Bihar) Petitioner/s

Versus

The State of Bihar Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP
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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-10-2023 Heard Mr.Bishweshwar Ram, learned counsel for the

petitioner and Mr.Ram Sumiran Rai, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 195 of 2022 G.R.No.1171 of 2022, FIR dated 10.05.2022 registered for the offence punishable under Sections 341, 323, 307, 379, 504, 354(a)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant alleges that on 09.05.2022 his niece had gone to the shop for purchasing biscuit. At the same time, petitioner caught her hand with bad intention and tried to shut her mouth. On hulla when informant went there petitioner locked him in the shop and brutally assaulted him with Batkhara due to which he sustained head injury and blood started oozing out. When his wife and mother came to save him petitioner also assaulted and injured



them and threatened to kill him alongwith family members. Co-accused Birju Sah and Munni Devi also assaulted him and his niece and snatched Rs. 15,000/-.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Due to some petty dispute, the present occurrence had taken place and as per allegation in the FIR the petitioner has assaulted to the informant, his wife and mother. Although, due to present occurrence, the injuries have been inflicted upon the informant and his family members but the injury report of the informant and his mother suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and injury is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Khagaria in connection with Parbatta P.S. Case No. 195 of 2022 G.R.No.1171 of 2022,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

Nitesh/-

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