

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14869 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- BAIRIYA District- West Champaran

UDAY SAH S/O DHRUV NARAYAN SAH R/v- Bhitha, P.S.- Bairiya,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Brijest Kumar Singh, son of Late Yugal Kishore, resident of village
Khiriya Hat, P.S. Bairiya, District West Champaran.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Anant Kumar Mishra, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Pratik Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-10-2023 Heard learned counsel for the petitioner and learned A.P.P. for
the State assisted by learned counsel for the informant/opposite
party no.2.

2. The petitioner apprehend his arrest in a case registered for
the offences punishable under Sections 147, 148, 341, 323,
379, 384 & 504/34 of the Indian Penal Code and under Section
27 of the Arms Act.

3. The allegation against the petitioner is that he along with
other co-accused armed with various weapons is said to have
assaulted the informant and his family members.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. Petitioner has been
falsely implicated in this case due land dispute. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that there is admitted land dispute between the parties. It is further submitted that informant alleged that he was beaten by lathi and danda but no injury report has been brought on record. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the informant opposed the prayer for bail. Learned counsel for the informant submits that petitioner has more than one criminal as such the petitioner has suppressed his criminal antecedent and, on this ground alone, the petitioner does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bairiya P.S. Case No.82 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned court below is directed to verify the criminal



antecedent of the petitioner before accepting his bail bond. If it is found that petitioner has more than one criminal antecedent, as mentioned in para-3 of this application, in that eventuality the bail bond of the petitioner shall not be accepted.

(Anjani Kumar Sharan, J)

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