

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20979 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- BAIRIYA District- West Champaran

KAISH GADDI S/O SARAJUL GADDI R/O VILLAGE- BAGAH
AHIRANI TOLA, POLICE STATION- BAIRIYA, DISTRICT-WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.01.2023 in connection with Bairiya P.S. Case No.178/2022,
F.I.R. dated 06.06.2022, for the offences punishable under
Sections 341, 323, 324, 307, 379, 34 of the IPC & Section 27 of
the Arms Act.

According to prosecution case, the petitioner is alleged
to have assaulted on the abdomen of the son of the informant
namely, Santosh Chaudhary by means of knife, as a result of
which his intestine came out from the body.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the informant is not an eyewitness of the alleged occurrence. In fact no such occurrence has taken place. He further submits that the informant is father of the injured, namely, Santosh Chaudhary. He further submits that the injury report of Santosh Chaudhary suggests that he sustained two injuries on his person, for which opinion was kept reserved and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.01.2023.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the F.I.R. is supported by the medical evidence.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-3rd, Bettiah, West Champaran in connection with Bairiya P.S. Case No.178/2022, subject to the following conditions:-

1. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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