

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28050 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- CHACKMEHSI District- Samastipur

BAIJU SAH Son of Late Ramgulam Sah R/V- Bakhtiyarpur, Tole Matiyara,
PS- Chakmehsi, Dist- Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prem Prakash Poddar, Advocate
For the State	:	Mr. Arun Kumar Singh, APP
For the Informant	:	Mr. Deepak Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-08-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by learned counsel for the

informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 447,
448, 341, 323, 324, 326, 307, 354B, 504 and 506 of the Indian
Penal Code.

3. While the informant was sitting at his house with his
family members, the petitioner in association of other co-
accused is said to have reached at the house of the informant are
said to have indiscriminately assaulted him and his family by
various means.

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



the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both sides have filed cases against each other. It is further submitted that similarly situated co-accused, Arjun Kumar Sah @ Arjun Sah has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No.67595 of 2021. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

5. Learned APP assisted by learned counsel for the informant opposed the prayer for bail. Learned counsel for the informant submitted that processes under Section 82 Cr.P.C. has already been issued against the petitioner. Thereafter, the petitioner moved before the learned Court below for the grant of bail and, ultimately, before this Court. He further submitted that apart from the three criminal antecedent as mentioned in para-3 of this application, the petitioner has one more criminal antecedent, which is not mentioned in this application.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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 Court below where the case is pending/successor Court in connection with Chakmehsi P.S. Case No. 76 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned Court below is directed to accept the bail bond of the petitioner after verifying the fact that petitioner has three criminal antecedents and if it is found that petitioner has more than three criminal antecedents, his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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