

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28899 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- BALTHAR District- West Champaran

Chandan Kumar Sah Son Of Late Panna Lal Sah Resident Of Village- Aryan
Nagar, Ps- Baltar, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APPT

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
01.09.2022 in connection with Balthar P.S. Case No. 44 of 2022,
F.I.R. dated 20.03.2022 for the offences punishable under
Sections 147, 148, 149, 341, 323, 337, 338, 353, 186 and 188 of
the Indian Penal Code.

According to prosecution case, 357 named and more
than 1000 unnamed persons have assaulted the police personnel
by pelting stone and they also damaged the vehicles and put the
vehicles on fire.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that altogether 357 named persons and more than 1000 unnamed persons including the petitioner have gathered and assaulted the police personnel. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and there is no specific allegation of assault or overt act against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.09.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one more criminal antecedent pertaining to the same occurrence.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-IV, West Champaran, Bettiah in connection with Balthar P.S. Case No. 44 of 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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