

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33549 of 2023

Arising Out of PS. Case No.-220 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Santosh Pal Son Of Dinesh Pal R/O-Sant Ghat, Ward No. 15, P.S.-BETTIAH
Nagar, Distt.-WEST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bettiah Nagar P.S. Case No.220 of 2020, F.I.R. dated 08.04.2020 registered for the offence punishable under Sections 341,323,324,307,504,506,34 of the Indian Penal Code.

3. The prosecution case, in short, is that the *Thela* of the informant was damaged by someone and during the course of query he came to know that son of Ajad Alam has damaged his Thela. He went at the house of Ajad Alam and made complain and also asked for repairing of his Thela then sons of Ajad Alam namely Dudhu. Lalbabu and Loung started assaulting him and on his alarm when people of vicinity, namely, Laxman Prasad. Pawan Prasad and Jai Pakash



Kushwaha came to save him then all the accused persons armed with deadly weapons came there and the co-accused Dudhu caught hold Laxman Prasad while the co-accused Rambabu Pal, Vijay Pal and Santosh Pal gave knife blow on the back, shoulder, waist and neck of Laxman Prasad and caused him severely injured. When Jai Prakash Kushwaha came to save them then the co-accused Lalbabu caught hold him and the co-accused Vikash, Chhotu Pal and Suresh Pal assaulted him with knife while the accused Dudhu along with co-accused Lal Babu, and Laung assaulted Pawan Kumar with Lathi and caused him injured. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. 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 petitioner has not committed any offence as alleged in the F.I.R. Further submits that from perusal of the FIR, it appears that the accused persons including the petitioner gave knife blow to Laxman Prasad and he received injury. Further submits that there is no accusation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner and the injury



report also suggests that the injuries are simple in nature and there was no intention to kill the Laxman Prasad.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that from perusal of the FIR, it appears that there is direct allegation against the petitioner that he has inflicted knife blow upon the Laxman Prasad and received five injuries and petitioner carries one more case other than the present one, but fairly submits that on the basis of material available in the case diary, the injuries received by the Laxman Prasad is simple in nature.

6. Considering the aforesaid facts, 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Nagar P.S. Case No.220 of 2020, 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 his 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 anticipatory 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 anticipatory 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)

Prakash Narayan

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