

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47436 of 2023

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

Binod Sah @ Vinod Sah Son Of Banti Sah @ Baanti Sah Village- Line Parsa
Ps- Balthar Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Earlier prayer for bail of the petitioner was dismissed as withdrawn vide order dated 23.01.2023 passed in Cr. Misc. No. 71762 of 2022.

3. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 337, 338, 353, 186 and 188 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is also accused in Balthar P.S. Case No. 42 of 2022 lodged in background of more or less same dispute in which he was arrested on 13.01.2023. Then the Pairvikar of the case instructed the concerned advocate to



withdraw the petitioner's prayer for anticipatory bail as he was arrested by the Balthar police. Thereafter, when Cr. Misc. No. 71762 of 2022 was taken up on 23.01.2023, the petitioner's prayer for anticipatory bail in connection with Balthar P.S. Case No. 44 of 2022 was withdrawn under the belief that the petitioner would have been remanded in Balthar P.S. Case No. 44 of 2022 also since both the cases are of same police station and even the dispute is also closely connected. But when the petitioner was allowed bail in Balthar P.S. Case No. 42 of 2022 vide order dated 27.02.2023, he was released from jail and later on the petitioner learnt that the Balthar police has not got the petitioner to be remanded in Balthar P.S. Case No. 44 of 2022. He submits that there is no specific overt act against the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Balthar P.S. Case No. 44 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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