

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48454 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SIMRA District- West Champaran

Kamlesh Kumar Sah @ Kamlesh Sah S/O Late Sukhal Sah R/O Village-
Semra, Vijay Nagar, P.S- Semra, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Anil Prasad Singh, learned APP for the
State.

2. The petitioner is apprehending his arrest connection with Semra P.S. Case No. 35 of 2023, F.I.R. dated 09.03.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 447, 379, 504, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has assaulted by *pahsul* (shrp edge vegetable cutter) on the head of the informant due to which he sustained grievous.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that due to



previous dispute the present occurrence had taken place and there was no intention to assault the victim and due to stern motive the present occurrence had taken place. He further submits that as per allegation the petitioner has assaulted to one Adityanath Soni by sharp edge vegetable cutter on his head and the injury report of the Adityanath Soni suggests that he has received two injuries but nature of injury suggests that the injury is simple in nature. The injury report dated 17.03.2023 which suggests that the injury is simple in nature but after that on 30.03.2023 on the basis of report submitted by the informant suggests that the nature of injury is grievous in nature. Learned counsel for the petitioner submits that initially the Doctor has found the nature of injury is simple and after that on the basis of manufactured paper which was submitted by the informant to the concerned doctor, the doctor has found that the injury is grievous in nature after 22 days of the date of occurrence although the paper submitted by the informant does not suggest that the injury is grievous in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 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 Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Semra P.S. Case No. 35 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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