

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50027 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

Vikash Sah @ Vikash Kumar Son of Gangandev Sah Resident of village -
Chhota Bariyarpur, P.s. - Chhatauni, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Informant	:	Mr. Akshay Ashish, Advocate
For the State	:	Mr. Suman Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner, Mr. Akshay Ashish, learned counsel appearing
on behalf of the Informant and Mrs. Suman Kumari Singh,
learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Turkauliya P.S. Case No. 374 of 2023, F.I.R.
dated 26.03.2023 registered for the offences punishable under
Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 427,
354B, 504, 447 and 448 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons armed with lathi, axe and knife
came to the door steps of the informant and began abusing and
started assaulting the informant's younger brother Kishan Sah
with knife on his chest on account of which he died on the spot



and when the family members intervened they were also assaulted with knife resulting in injuries.

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 admitted land dispute the present occurrence had taken place and from perusal of the F.I.R. it appears that there is no specific 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.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is one of the accused person who has committed the crime in question along with other co-accused persons.

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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 374 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.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

