

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61435 of 2022**

Arising Out of PS. Case No.-111 Year-2022 Thana- BELHAR District- Banka

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VIMAL SAH @ VIMAL KUMAR SAH SON OF SARYUG SAH R/O
SRINAGAR, P.S.- BELHAR, DISTT.- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 24-04-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.05.2022 in connection with Belhar P.S. Case No. 111/2022,
F.I.R. dated 20.03.2022, for the offences punishable under
Sections 448, 341, 323, 307/34 of the Indian Penal Code and
later on Section 302 of the Indian Penal Code was added.

According to prosecution case, the petitioner along
with other co-accused persons have assaulted the father of the
informant on his head by means of iron rod causing his head
fractured and after a lapse of 8 days, the father of the informant
has died during course of treatment.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioner. In the second part, there is specific allegation against the petitioner that he assaulted the father of the informant on his head, by means of an iron rod, as a result of which, he sustained injury on his head. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that it has come during investigation that all the accused persons including the petitioner assaulted the father of the informant. He further submits that there is contradiction of the statement of the informant in F.I.R. and statement made under Section 161 of the Cr.P.C. He further submits that there was no intention to kill the father of the informant and the father of the informant died after eight days of the date of occurrence during course of treatment. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.05.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has



vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. that there is direct allegation against the petitioner inflicting iron rod blow on the head of the father of the informant.

Considering the aforesaid facts that there is contradiction of the statement of the informant and the petitioner has clean antecedent, 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 C.J.M., Banka, in connection with Belhar P.S. Case No. 111/2022, 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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