

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64915 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- BARARI District- Katihar

Chhotu Sah @ Chhotu Kumar @ Chhotu Kumar Sah @ Bhagwan Sah Son of
Gunsagar Sah R/o Pokhar Tola, Ward No. 12, Purbi Barinagar, P.s- Barari,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 379, 354(A),
325, 504/34 of the Indian Penal Code.

According to prosecution case, on 28.03.2021 all the
F.I.R. named accused persons came at informant's house and
calling bad names they started beating him with sticks. One
Shravan hit on his head with iron rod when informant's son and
daughter came to save him then the accused persons beat them
too and injured his son's head. Chhotu and Ganesh with intent to
kill the informant's wife, beat her with iron chain and iron rod
resulting therein she sustained head injury losing her all senses.
Accused persons assaulted the informant's younger son and also
broke down right hand of his mother-in-law and also beat one



Basudeo Sah and informant's daughter-in-law with iron rod.

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 there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation against the petitioner and co-accused Ganesh Kumar who assaulted the victim and the injury report of the victim suggest that the injury is grievous in nature. He further submits that the allegation as alleged in the F.I.R. is that two persons have assaulted the victim but only one injury is found on the head of the victim and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 31.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Barari P.S. Case No. 62 of 2021, 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)

mdrashid/-

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

