

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65964 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- CHHATAUNI District- East Champaran

Kishan Sah @ Kisan Sah S/O Manish Sah R/O Village- Chhota Bariyarpur,
P.O- Chhatauni, P.S- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Pravin Kumar, learned counsel for the
petitioner and Mr. Rajendra Singh, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Chhatauni P.S. Case No. 37 of 2023, F.I.R. dated 20.01.2023 registered for the offences punishable under Sections 341, 323, 447, 307, 379, 504, 506/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he has fired upon the informant due to which the informant sustained gunshot injury on his head.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case due to petty dispute between the parties. He further submits that as per allegation in the F.I.R. that



the petitioner has fired upon the informant and the informant has received injury but the injury report of the informant suggests that he received one injury but the injury is simple in nature caused by firearm injury. He further submits that co-accused persons namely kachcha Miya @ Shajad Ansari and Raja Sah @ Raja Kumar have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 44468 of 2023, another co-accused person namely Vipin Sahani has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 48556 of 2023 respectively.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the informant and he received injury.

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, Motihari, East Champaran in connection



with Chhatauni P.S. Case No. 37 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)

Ibrar//-

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

