

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12156 of 2024**

Arising Out of PS. Case No.-343 Year-2022 Thana- FALKA District- Katihar

Santosh Sah S/o Sita Ram Sah R/o Salehpur, P.S. Falka, 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.Mukesh Kumar Singh,APP

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

2 22-02-2024 Heard Mr.Sanjeev Kumar Singh, learned counsel for
the petitioner and Mr.Mukesh Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Falka P.S.Case No.343 of 2022,FIR dated 21.08.2022 registered for the offences punishable under Sections 341,323,307,354,379,504,506/34 of IPC.

3. The prosecution case as stated in FIR in short is that in the night of 20.08.2022 all the accused persons named in FIR came to informant namely Kuman Devi and assaulted her by lathi-danda. It has been stated by informant that during occurrence accused persons assaulted her husband by 'Farsa', thereafter, petitioner Santosh Sah assaulted to Chandradev Sah on his head by sword with intention to kill him and co-accused



Pawan Sah assaulted to nephew of informant Amit Sah on his head by 'Dabiya' and co-accused Bharat Sah outraged the modesty of informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR the petitioner assaulted to Chandradev Sah on his head by sword but the injury report of Chandradev Sah suggests that although he has received injury but the injury caused by hard and blunt object and the injury is simple in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Falka P.S.Case No.343



of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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)

Nitesh/-

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

