

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27722 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- LAURIA District- West Champaran

Sakil Sah @ Shakil Sah Son of Late Kaifullah Sah @ Kaiful Shah R/o
Village- Ganauli, P.S.- Lauriya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and Mr. Tapeswar Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lauriya P.S. Case No. 10 of 2023, F.I.R. dated 11.01.2023 for the offences punishable under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the Indian Penal Code but the learned Court below took cognizance under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have abused and assaulted the informant and her mother and sister. It is further alleged that this petitioner has gave *Dab* blow on the head of the informant's mother causing her injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties



and both the parties are agnate to each other. He further submits that police after investigation submitted a final form in favour of the petitioner and not found the case true against the petitioner and showing the petitioner to be not sent up for trial but the learned Court below differing with the final form has taken cognizance against the petitioner vide order dated 19.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances that the police has submitted the final form in favour of the petitioner but the learned Court below has taken cognizance against the petitioner, let the petitioner, above named, in the event of 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 the learned Additional Chief Judicial Magistrate



1st Bettiah, West Champaran in connection with Lauriya P.S.
Case No. 10 of 2023, 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 absence on two consecutive dates without sufficient reason, his 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 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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