

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38426 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- SIKARPUR District- West Champaran

Santosh Kumar Sah Son of Rajendra Sah, R/O Village- Bairia, Ward No.1 ,
P.S.- Shikarpur, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Ravi Kumar, the learned counsel for the

petitioner and Mr. Abhay Kumar Roy, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Shikarpur PS Case No. 248 of 2023, FIR dated

04.04.2023, registered for the offences punishable under

Sections 147, 148, 149, 307, 354(B), 323, 504 and 506 of the

Indian Penal Code.

3. According to the prosecution case, the accused

person was manufacturing illegal liquor at his door and was also

selling intoxicants due to which the passage of the people of the

ward and daughters-in-law of the complainant was blocked and

when the complainant objected to the same, all the accused

persons with an intention to kill, assaulted the complainant. It is



further alleged that Santosh Sah gave *farsa* blow on the head of the complainant due to which she fell on the ground drenched in blood.

4. 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 the present case is the counter blast of Shikarpur PS case no. 215 of 2023, filed by the petitioner's wife against the informant / complainant and her family members. He further submits that as per allegation in the FIR the petitioner had assaulted with *farsa* to the informant / complainant and although she has received injury, but the injury report of the informant / complainant suggests that injury is simple in nature caused by hard and blunt object.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, injury inflicted upon the person of the informant / complainant is found to be simple in nature and there is case and counter case between the parties, let the petitioner, above-named, in the event



of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 District & Sessions Judge, West Champaran, Bettiah, where the case is pending in connection with **Shikarpur PS Case No. 248 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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