

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42453 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- BAIRIYA District- West Champaran

1. Kanhaiya Sharma @ Kanhiya Sharma son of late Sudama Sharma Village- Malahi Tola Ps- Bairiya Dist- West Champaran
2. Nitesh Kumar @ Nitish Kumar son of Kanhaiya Sharma @ Kanhiya Sharma Village- Malahi Tola Ps- Bairiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Sarvesh Kashyap, learned counsel for the petitioners, Mr. Umesh Kumar Gupta, learned counsel appearing on behalf of the Informant and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Bairiya P.S. Case No. 60 of 2024, F.I.R. dated 10.03.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they assaulted the informant with *farsha* due to which he sustained cut injury.



4. Learned counsel for the petitioners submits that the petitioner no. 1 carries one more case other than the present one in which he is on bail whereas petitioner no. 2 having clean antecedent and they have been falsely implicated in the present case. He further submits that due to some petty reasons the present occurrence had taken place and there is case and counter case between the parties. He further submits that as per allegation in the F.I.R. the petitioner no. 2 caught hold the informant and petitioner no. 1 has assaulted to the informant, although he has received injury but the injury report of the informant suggests that the injury is simple in nature.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against the petitioners in the F.I.R. and apart from that the petitioner no. 1 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner no. 1 is on bail in the pending matter whereas petitioner no. 2 having clean antecedent.

6. Considering the facts and circumstances of the case and the injury inflicted upon the informant is simple in nature, let the petitioners, above named, in the event of their



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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 60 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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