

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47633 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- HARSIDHI District- East Champaran

Umesh Shani @ Umesh Sahani son of Ramchandra Chaudhary @
Ramchandra Chaudhari, R/o Village- Bairiya Deeh, PS- Harsidhi, Dist- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard the learned counsel for the petitioner and Mr.

Rajendra Prasad Nat, the learned Additional Public Prosecutor for
the State.

2. The petitioner is apprehending his arrest in
connection with Harsidhi PS Case No. 03 of 2024, FIR dated
04.01.2024, registered for the offences punishable under Sections
341, 323, 379, 307 and 504 read with Section 34 of the Indian
Penal Code.

3. According to the prosecution case, the co-accused
persons assaulted the informant, and the petitioner assaulted the
informant by means of *farsa* due to which he sustained head injury
and the petitioner also snatched Rs. 20,000/- (Rupees twenty
thousand) from the informant.

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 upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is on 01.01.2024 while the date of institution of FIR is on 04.01.2024, after a delay of three days without giving any explanation for the delay. He further submits that there is specific allegation against the petitioner that he has assaulted by means of *farsa* on the head of the informant, however, the injury report of the informant suggests that the injury is simple in nature.

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 mainly the facts that petitioner has clean antecedent and injury report of the informant suggests that injury is simple in nature, 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 Chief Judicial Magistrate, East Champaran, Motihari, where the case is pending in connection with **Harsidhi PS Case No. 03 of 2024**, 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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