

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65983 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- DHAKA District- East Champaran

Ramsihasan Sah @ Ram Shihashan Sah Son of Jang Bahadur Sah Resident of
Village- Parsa, PS- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Karandeep Kumar, learned counsel for the

petitioner and Mr. Ram Priya Sharan Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Dhaka P.S. Case No. 67 of 2024, F.I.R. dated
17.02.2024 registered for the offences punishable under Sections
147, 149, 341, 323, 307, 354, 379, 427, 504 and 506 of the Indian
Penal Code.

3. Allegation against the petitioner is that he has
assaulted to the mother-in-law of the informant with iron rod
due to which she sustained forehead injury.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that from



perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 05.02.2024 but the present F.I.R. was instituted on 17.02.2024. He further submits that in fact the petitioner's side has also lodged an F.I.R. on 05.02.2024 bearing F.I.R. No. 5128008240050 of 2024 and as per allegation in the F.I.R. that the petitioner has assaulted to the mother-in-law of the informant namely Gita Devi with iron rod on her forehead but perusal of the injury report of Gita Devi it appears that no injury is found on the forehead of Gita Devi. Learned counsel for the petitioner submits that the allegation as alleged in the F.I.R. is false and fabricated and not supported by the medical evidence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is case and counter case between the parties and the allegation not supported by the medical evidence, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East Champaran, Motihari in connection with Dhaka P.S. Case No. 67 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) 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.

(2) If the petitioner tampers 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 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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