

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69835 of 2024**

Arising Out of PS. Case No.-412 Year-2023 Thana- HARSIDHI District- East Champaran

Balli Sah @ Baliram Kumar, S/O Madan Sah, R/O Village- Math Lohiyar,  
P.S.- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      23-10-2024      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Harsidhi P.S. Case No. 412 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the informant was sitting at his door, in the meantime, all the F.I.R. named accused persons came with weapons and started abusing. It is specifically alleged that co-accused Madan Sah assaulted the informant by Iron Rod, whereas Shanti Devi assaulted the wife of the informant with lathi. The allegation against the petitioner is of snatching the neck-less from the wife of the informant, worth Rs. 25,000/-.

4. Adverting to the narrations made in the F.I.R.,



learned Advocate for the petitioner contended that there is no specific allegation levelled against the petitioner that he assaulted any of the persons of the informant's side. So far the allegation of snatching of the valuable is concerned, the same is quite concocted and nothing has been recovered from the whereabouts of the petitioner. It is further contended that the alleged occurrence took place on 20.06.2023, but the F.I.R. has been instituted on 25.06.2023 without there being any explanation of delay. Learned Advocate for the petitioner has taken this Court to the injury report, the copy of which is marked as Annexure-2, and submitted that save and except one grievous injury, which is sustained to the wife of the informant, all the injuries are simple in nature, however, none of them has been attributed to the petitioner. It is lastly contended that one of the co-accused, namely, Madan Sah, against whom there is allegation of causing iron rod blow has been allowed the privilege of regular bail vide order dated 21.09.2023 passed in Cr. Misc. No. 62448 of 2023. There is counter version of the present case.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has actively participated in the crime and snatched the valuable. The



petitioner also bears one criminal antecedent, as has been disclosed in para. 3 of the petition.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the factum of delay in lodging of the F.I.R., let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 412 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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