

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81688 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- BATHWARIA District- West Champaran

Ramesh Sah, Son of Balkhila Sah, R/o Village- Shera Bathwariya, Ward No. 11, P.S. -Bathwariya, Dist. -West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Bathwariya P.S. Case No. 48 of 2024 dated 20.08.2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 351(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the allegation, the Petitioner alongwith other co-accused have made assault causing simple injury.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the informant and the accused side are next door neighbours and there was altercation between them on some discord resulting into injuries on both sides and



the alleged injury on the side of the informant is simple in nature as per the medical opinion. There is counter case bearing Bathwariya P.S. Case No. 49 of 2024 filed by the accused side for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 324(4), 329(4), 351(2), 62 and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-IInd, Bagaha, West Champaran in connection with Bathwariya P.S.



Case No. 48 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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