

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16786 of 2025**

Arising Out of PS. Case No.-394 Year-2024 Thana- SIKARPUR District- West Champaran

Hasan Devan @ Hasan Dewan S/O Haedar Dewan R/O Chaturbhujva, P.S-  
Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      02-04-2025                      Heard Mr. Umesh Kumar Gupta, learned counsel for  
  
the petitioner as well as Mr. Rabindra Kumar, learned  
  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Shikarpur P.S. Case No. 394 of 2024, F.I.R.  
dated 13.06.2024 for the offences punishable under Sections  
341, 323, 354(B), 307, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, informant and  
her bhabhi went towards west of her home for natural call, Sagir  
Dewan and Hasan Dewan started molesting them and on hue  
and cry, Nisar Dewan came to pacify the matter then both the  
named accused persons assaulted him with lathi and injured his  
left hand. Meanwhile, other persons came to save them then  
Naimullah, Sahid Dewan, Kushum Khatoon, Kushum Tara

Khatoon and Nasrul Khatoon all arrived there and assaulted on the head of Sagir Dewan and injured seriously, they also injured the left hand of Sultan Dewan and they injured head of Mukhtar Dewan with iron rod and snatched earring and threaten them. Thereafter, Mukhtar Dewan and Sukat were referred to GMCH, Bettiah treatment.

4. Learned counsel for the petitioner submits that petitioner is having clean antecedent and he has falsely been implicated in the present case. From the perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act against this petitioner rather there is specific allegation against this petitioner is that he along with Sagir Dewan has assaulted the informant. Although, the informant has received some injury but from the perusal of the injury report of the injured person that he has received the injury on hand, which is not a vital part of the body. Apart from that the similar situated co-accused person, namely, Sagir Dewan has been granted anticipatory bail by learned Court below itself along with other co-accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner

is having clean antecedent and the injury inflicted to the injured person is not on vital part of the body and the similar situated co-accused person has been granted bail by the learned Court below, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 394 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of B.N.S.S., 2023 and with other following conditions:-

i. 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.

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 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.)**

Jyoti Kumari/-

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