

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46375 of 2025

Arising Out of PS. Case No.-145 Year-2025 Thana- BETTIAH CITY District- West
Champaran

Shivam Kumar @ Sipahi Kumar S/o- Late Jagarnath Raut Resident of Vill-
Jagjiwan Nagar, P.S.- Bettiah Town, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Informant	:	Mr. Rajdeep Kumar, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner, Mr. Rajdeep Kumar, learned counsel for the

Informant and Mr. Ram Sevak Choudhary, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Bettiah Town P.S. Case No. 145 of 2025, F.I.R.
dated 28.03.2025 registered for the offences punishable under
Sections 126(2), 115(2), 118(2), 109, 351(2), 352, 3(5) of the
B.N.S.

3. Allegation against the petitioner is that he has
assaulted the informant by means of knife due to which he
sustained injury.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Petitioner is named in the F.I.R. and there is specific allegation against the petitioner in the F.I.R. but from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 14.03.2025 but the present F.I.R. was instituted on 28.03.2025 after delay of 14 days without giving any explanation of delay and afterthought only to falsely implicate the petitioner and it appears from the F.I.R. itself that some dispute is going on between the parties so due to previous dispute the petitioner has been falsely implicated in the present case. As per allegation in the F.I.R. the petitioner has assaulted the informant by means of knife and he has received injury but the injury report of the injured person suggests that the injury is simple in nature caused by hit of sharp object.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one and apart from that there is direct and specific allegation against the



petitioner but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances of the case and the fact that the F.I.R. was instituted after two weeks as well as the injury inflicted upon the injured person is simple in nature, 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 C.J.M., Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 145 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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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