

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72676 of 2024

Arising Out of PS. Case No.-305 Year-2017 Thana- SIKARPUR District- West Champaran

1. Arbind Sah @ Arbind Kumar S/O Lalbabu Sah R/O Village- Vrindawan ward No. 11, Gokhula, P.S- Shikarpur, Distt.- West Champaran.
2. Lalbabu Sah S/O Late Ganga Sah R/O Village- Vrindawan ward No. 11, Gokhula, P.S- Shikarpur, Distt.- West Champaran.
3. Jailal Sah S/O Late Ganga Sah R/O Village- Vrindawan ward No. 11, Gokhula, P.S- Shikarpur, Distt.- West Champaran.
4. Anil Sah S/O Ramjee Sah R/O Village- Vrindawan ward No. 11, Gokhula, P.S- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Brij Kishor Mishra, learned counsel for the petitioners and Mr. Bharat Lal, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 305 of 2017, F.I.R. dated 13.07.2017 registered for the offences punishable under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code in which Charge sheet has been submitted under Sections 341, 323, 324, 325, 308, 504/34 of the Indian Penal Code but the cognizance has been taken against the petitioners under sections 341, 323, 324, 325, 308, 504/34 of the Indian Penal Code.



3. Allegation against the petitioner is that they have assaulted the informant and their family members due to which they sustained injuries.

4. Learned counsel for the petitioners submits that although during course of investigation the petitioners were given privilege of bail under Sections 41(i)(A) of the Code of Criminal Procedure and they have not misused the privilege of bail given to them.

5. It appears from the F.I.R. that there is specific allegation against these petitioners that they have assaulted to the informant and their family members. Although, they have received injury but the injury report of two injured persons suggests that the injuries are simple in nature and as far as the injury report of the Birendra Prasad is concerned, from perusal of the injury report of Birendra Prasad, it appears that:

“(1) Swelling left hand at size 10 x 10 cm

(2) Lacerated wound over left middle finger at size

0.5 x 0.5 cm.

(3) Bruise right index finger size 01 x 01 cm

Cause: Hard blunt Substance

nature: opinion reserve for X-ray report”

6. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioners.

7. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the injury inflicted upon the injured persons are simple in nature and as far as the injury report of Birendra Prasad is concerned, it appears from the injury report of Birendra Prasad which is not on the vital part of the body, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 305 of 2017, 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) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the



Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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