

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22863 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -BIRAUL District- DARBHANGA

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Pappu Roy Son of Siyaram Roy, Resident of Village- Pirauri, P.S.- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Biraul P.S. Case No. 51 of 2016 dated 18.02.2016 instituted under
Sections 341/323/448/307/504/34 of the Indian Penal Code.

3. The allegation against the petitioner and two other co-
accused is of assault on the informant and his family members and
against the petitioner it is specific of hitting the informant by iron rod
and against co-accused of snatching gold chain.

4. Learned counsel for the petitioner submitted that the
informant is the uncle of the petitioner and there is land dispute



between them and as per the agreement before the *panches*, when the petitioner went on his land, the same was objected by the informant and his family leading to assault for which there is also counter case, being Biraul P.S. Case No. 52 of 2016. Learned counsel submitted that the other co-accused have been granted anticipatory bail by the court below but because the case diary was not before the court and the injury could not be verified, his prayer has been rejected. Learned counsel submitted that the injury report discloses incised wound on the head but caused by sharp cutting weapon and thus the specific allegation of assault by iron rod is falsified. It was further submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P., upon going through the case diary, submitted that the injury report discloses the cause of the injury to be sharp cutting weapon.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in Biraul P.S. Case No. 51 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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