

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22850 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -KADWA District- KATIHAR

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Babu Lal Bhagat, Son of Late Soti Bhagat, Resident of Village- Mohammadpur,
P.S.- Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal,
Advocate

For the State : Mr. Raj Ballabh Singh, A.P.P.

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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 Kadwa P.S. Case No. 55 of 2017 dated 17.03.2017 instituted
under Sections 323/341/448/307/379/34 of the Indian Penal Code,

3. The allegation against the petitioner and four other
co-accused is of general and omnibus assault on the informant and his
family members and snatching of Rs. 13,000/-.

4. Learned counsel for the petitioner submitted that
he is full brother of the informant and there is land dispute between
the parties and even if some minor scuffle took place, there was
neither any intention nor the fight was so serious to warrant charging
him under the sections which the police have mentioned in the F.I.R.
It was further submitted that the allegation of snatching Rs. 13,000/-
is a cosmetic addition and the petitioner has no criminal antecedent.



5. Learned A.P.P. on going through the case diary submitted that there is allegation of assault against the petitioner.

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 Chief Judicial Magistrate, Katihar in Kadwa P.S. Case No. 55 of 2017, 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 cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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