

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37854 of 2018

Arising Out of PS. Case No.-62 Year-2017 Thana- NAYAGAON District- Begusarai

Rampravesh Singh S/o Kamleshwari Singh, R/o Vill.- Mahendrapur, P.S.-
Nayagaon, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam
For the informant	:	Mr. Ashok Kumar
For the Opposite Party/s	:	Mr. Sri Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 20-09-2018

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Nayagaon P.S. Case NO. 62 of 2017, disclosing offences under Sections 341, 323, 325, 307, 34 and 504 of the Indian Penal Code.

This is not in dispute, rather is evident from the First Information Report itself that some civil dispute in relation to immovable property is the reason behind the occurrence and registration of the FIR. The informant and the petitioner belong to the same family. The petitioner is said to be the own uncle of the informant. The allegation against the petitioner is having assaulted the informant with a sharp cutting weapon on his head causing injuries.

Under the order of this Court, the case diary has



been received.

Learned counsel appearing on behalf of the petitioner has submitted that the statement of the witnesses before the police contradict the case of the prosecution as narrated in the FIR that the assault was made either by a *lathi* or with the handle of *Garasa*.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and has submitted that considering the specific allegation of assault supported by the injury report, the petitioner does not deserve the privilege of anticipatory bail.

I have perused the FIR and I have considered the rival submissions made on behalf of the petitioner and the informant as well as the learned Additional Public Prosecutor representing the State.

The genesis of occurrence is apparently a family dispute and the occurrence appears to have taken place at the spur of the moment. It has been stated in Para 3 of the application that the petitioner has no criminal antecedent. Learned counsel for the petitioner submits that the petitioner shall not flee away from the course of investigation or trial and shall present himself before the police and the Court as and when required.

Considering the above submission, this application is allowed.



Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 Additional Cheif Judicial Magistrate-IV, Begusarai in Nayagaon P.S. Case N0. 62 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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