

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23033 of 2019

Arising Out of PS. Case No.-167 Year-2017 Thana- MADHUBAN District- East Champaran

Achhelal Prasad, aged about 46 years, Male, Son of Late Chanardeo Bhagat,
Resident of Village - Talimpur, P.s.- Madhuban, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Karandeep Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 341, 323, 324, 325, 307, 379, 354, 448, 435, 504 and 506 of the Indian Penal Code registered in connection with Madhuban P.S. Case No. 167 of 2017.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute between the parties. No specific accusation of assault on the informant is against the petitioner. Statement is made at the Bar that all the injuries are simple in nature. Of the eight accused persons, seven accused persons, namely, Birju Thakur, Ajay Prasad alias Ajay Kumar, Vijay Prasad alias Vijay Kumar, Nathuni Bhagat, Ranjeet Prasad, Kamlesh Kumar and Bhagat Prasad, have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.10.2017 passed in Cr Misc. No. 41285 of 2017. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, East Champaran at Motihari in connection with Madhuban P.S. Case No. 167 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail shall stand confirmed upon verification of the correctness of the petitioner's claim by learned court below that none of the injuries sustained by the informant are grievous in nature. In case the said claim is not found verifiable, the provisional anticipatory bail shall automatically stand cancelled.

BT/-

(Vikash Jain, J)

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