

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42082 of 2019

Arising Out of PS. Case No.-420 Year-2018 Thana- DARIYAPUR District- Saran

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BASAWAN RAI S/o Late Butan Rai R/o village- Banwaripur, P.S.-
Dariyapur, District- Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 279, 337, 338, 323, 307, 379, 504, 34 IPC registered in connection with Dariyapur P.S. Case No. 420 of 2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The accusation of assault is general and omnibus in nature and the injuries are simple in nature. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition submitting that there is specific accusation of assault by the petitioner on the head of the informant.

5. Till further orders, 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM IV, Saran at Chapra , in connection with Dariyapur P.S. Case No. 420 of 2018, subject to the conditions as laid down under



Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

6. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been sustained by the informant. In case the petitioner's claim fails on verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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