

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66508 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- PATORI District- Samastipur

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1. DINESH KUMAR RAI @ DINESH RAI Son of Shri Devi Prasad Rai
Resident of Village- Hawaspur, P.S.- Patory, District- Samastipur.
 2. Yashwant Kumar Rai @ Yashwant Kumar Son of Shri Devi Prasad Rai
Resident of Village- Hawaspur, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-11-2019 Learned counsel for the petitioners Mr. Bijay Bhushan Prasad states that the petitioner no. 1 already been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 1, is permitted to be withdrawn and is dismissed as such.

3. The petitioner no. 2 apprehends his arrest for the offences alleged under Sections 341, 447, 323, 307, 324, 504, 506, 379/34 of the Indian Penal Code registered in connection with Shahpur Patori P.S. Case No. 237 of 2019.

4. It is submitted that the petitioner no. 2 has been falsely implicated in the backdrop of land dispute and the informant is none other than the nephew of the petitioner no. 2. There is case and counter case between the parties. The petitioner no. 2 along with co-accused Ankush Kumar are alleged to have assaulted the informant with iron rod on his head, but in any event the injuries are simple in nature. The petitioner no. 2 claims clean antecedents.



5. Learned APP assisted by learned counsel for the informant appears and has been heard.

6. Be that as it may, in the event of arrest or surrender by petitioner no. 2 before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on 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, Samastipur, in connection with Shahpur Patori P.S. Case No. 237 of 2019, 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 no. 2.
- ii. That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner no. 2 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 no. 2 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.

(Vikash Jain, J)

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