

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28518 of 2020**

Arising Out of PS. Case No.-404 Year-2019 Thana- BIHPUR District- Bhagalpur

Sumit Kumar @ Ankit, S/o Birendra Paswan, Resident of Village-
Babhangama, P.S.-Bihpur, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Bihpur P.S. Case No. 404 of 2019
registered for the offences punishable under Sections 147, 148,
149, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant in his written report alleged that due to old land
dispute he was abused and slapped by the accused persons and
Navin Kumar and Sumit Kumar assaulted him by lathi causing
injury on his head.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that there is allegation of assault on the



head of the informant by two accused persons but the injury report of the informant reveals only one injury on his head.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that it is a case of over implication of the accused persons, further submission that according to the informant Navin and Sumit both had assaulted him by lathi on his head whereas the injury report shows only one simple injury on the head of the informant, there is a case and counter case between the parties and in the nature of the dispute and materials present on record, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Bihpur P.S. Case No. 404 of 2019 shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, Bhagalpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

