

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31744 of 2020

Arising Out of PS. Case No.-1065 Year-2019 Thana- BIHTA District- Patna

Ramjit Yadav @ Ramjit Kumar, male, aged about 21 years, S/o Sri Deo Prasad Yadav, R/o Village- Rambad, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Bihta PS Case No.1065 of 2019 dated 25.11.2019, instituted under Sections 323, 341, 307, 379/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of assault on the informant side. However, against the petitioner, it is also specific of giving blow on the head of the son of the informant by iron rod.

4. Learned counsel for the petitioner submitted that the parties are close relatives and live in the same house. It was submitted that the informant is the aunt of the petitioner and



there was always dispute between them. Learned counsel submitted that the Court below has granted anticipatory bail to other co-accused, but because there was allegation of hitting on the head by iron rod against the petitioner, it was refused. Learned counsel drew the attention of the Court to the order of the Court below in which it has been specifically written that the Court had perused the certified copy of the FIR and copy of the case diary and had further noted that the counsel for the State had failed to produce the injury report. Thus, learned counsel submitted that since there is only bald allegation without any supporting document to show that any injury was caused to the son of the informant, it is clear that there is false implication to settle family dispute. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the allegation of assault on the head is against the petitioner. However, he did not controvert the fact that the Court below has noted that there was no injury report in the case diary in support of such allegation.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM 1st, Danapur, Patna, in Bihta PS Case No.1065 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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