

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33899 of 2020

Arising Out of PS. Case No.-461 Year-2019 Thana- BIDUPUR District- Vaishali

Ranjan Kumar, aged about 24 years (M), Son of Late Janak Rai Resident of Village - Kalyanpur Dih, P.S. Bidupur, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Mukesh Kumar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bidupur PS Case No. 461 of 2019 dated 14.11.2019, instituted under Sections 341/323/324/379/354B/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of assault on the informant and her family members resulting in injury and also snatching of gold *bajrangbali* worth Rs. 5,000/-; *mangalsutra* worth Rs. 15,000/- and mobile phone and specifically against the petitioner of having inflicted iron rod



blow on the elbow of the daughter of the informant and tearing her clothes.

5. Learned counsel for the petitioner submitted that despite the petitioner having no criminal antecedent, the allegation is false and fabricated as he is the brother of the person to whom the mother-in-law of the informant had executed registered sale deed for a piece of land which was not liked by the family of the informant. It was submitted that the FIR has been lodged after two days for which there is no explanation. It was further submitted that no injury report corroborating the allegation has been produced. Learned counsel further submitted that the petitioner had appeared before the police which shows his *bona fide* and the police also did not find it to be a case where he should be arrested and that is why he was released on bond was not arrested. It was submitted that this clearly shows that even the police have not found merit in the allegation.

6. Based on such submission, the Court had required learned APP to obtain the up-to-date case diary and injury report of the case.

7. Learned APP submitted that the same has been received which discloses that there has been injury found on the



elbow, but upon X-ray no bony damage has been found. However, he did not controvert that there is no grievous injury on any of the persons alleged to have been injured.

8. 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur PS Case No. 461 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 cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J)

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