

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1212 of 2021**

Arising Out of PS. Case No.-68 Year-2020 Thana- NAUTAN District- Siwan

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BITU PRASAD @ VITU PRASAD @ ANOOP KUMAR, SON OF ASHOK
PRASAD, Resident of Village - Nautan, P.S.- Nautan, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr.Ravish Mishra, Adv.
For the Opposite Party/s	: Mr.B.N. Pandey, APP
For the Informant	: Mr. Dewanand Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. B.N.Pandey , learned APP for the State as well as Mr.Dewanand Tiwary, learned counsel for the informant.

The petitioner in the present case is seeking pre-arrest bail in connection with Nautan P.S. Case No.68 of 2020 registered for the offences punishable under Sections 147, 148, 149, 385, 307, 504, 324, 323 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that, as per the First Information Report, the allegation against the petitioner



is that he along with co-accused Suresh Prasad had assaulted on the left leg of the father of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to previous land dispute. Learned counsel submits that there is no specific allegation of causing assault against this petitioner. It is submitted that the petitioner has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the parties have fought over a land dispute, there is a case and counter case between the parties, so far as the allegation against this petitioner is concerned, it is alleged that he along with co-accused Suresh Prasad had assaulted on the left leg of the father of the informant, however, the injury report is showing only one lacerated wound with swelling on the left leg, in the nature of the dispute and the allegation against two persons not getting supported from only one injury found on the left leg, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Nautan P.S. Case No.68 of 2020



be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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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'.

