

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6004 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

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LALDAS RAI @ LALDHARI RAI Son of Nath Narayan Rai Resident of
Village-Mahkampur, P.S.-Ara Muffasil, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Ara Muffasil
P.S. Case No. 20 of 2020 registered for the offence under
Sections 147, 341, 323, 307, 379, 504, 506 of the Indian Penal
Code.

Allegedly, while the informant along with his father was
returning after selling “Chhena”, in the way, he saw his nephew
being assaulted by co-villager and on asking for, the accused
persons assaulted the informant and his father, as a result of
which both of them sustained injury and were taken to hospital



for treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. As per the allegation made in the FIR, the petitioner is said to have assaulted with butt of the gun. Hence, no offence u/S 307 of the Indian Penal Code is made out. The alleged occurrence is said to have taken place on 02-02-2020 and the case was instituted on 08-02-2020. The delay in instituting the FIR has not been explained by the prosecution. From the order of learned Sessions Judge, it appears that the injury report of the victim has not been brought on record till date.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Ara, Bhojpur in connection with Ara Muffasil P.S. Case No. 20 of 2020



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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