

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18032 of 2022

Arising Out of PS. Case No.-183 Year-2018 Thana- PATORI District- Samastipur

VIVEK RAI son of Bijli Rai Resident of Village - Amdipur Dhamaun, Police
Station- Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 447, 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that on 04.06.2018 at 11:00 P.M. when informant was working in his field, 10 accused persons, including the petitioner, came variously armed and started abusing him, it is next alleged that on orders of Bijli Rai, all the accused assaulted the informant and his son, further the petitioner assaulted with *farsa* causing injury on his head and other accused assaulted the victim with *lathi* and stick and Mithun Rai snatched gold chain worth Rs.15,000/- from the neck of the informant's son and Binod Rai took Rs. 2,500/-.



Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that there is a land dispute between the parties and even presuming what has been alleged is true, without admitting, then the injury suffered by the informant is simple in nature caused by hard and blunt substance, as would be evident from Annexure-2 to the anticipatory bail application. Learned counsel next submits that father of the petitioner had instituted Title Suit No. 36 of 2019 which is going on in the court of learned Sub-Judge-I Dalsinghsarai.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Patory P.S. Case No. 183 of 2018 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

The learned Trial Court before accepting the bail bonds of petitioner shall verify whether any process under Section 82 Cr.P.C. has been issued against the petitioner or not, in the event, if any process under Section 82 Cr.P.C. has been issued against the petitioner then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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