

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25363 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- DHANKUND District- Banka

1. Ashish Ram, S/O Late Shahdeo Ram R/O Village- Makita, P.S.- Dhankund, District- Banka
2. Kashi Ram, S/O Late Shahdeo Ram R/O Village- Makita, P.S.- Dhankund, District- Banka

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Kashi Ram.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

Heard learned counsel for the petitioner no.1 and learned APP for the State.

The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 337, 338, 307, 504/ 34 of the Indian Penal Code.



The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on account of dispute relating to land, the accused persons including the petitioner came and assaulted him along with his brother and daughter by lathi and danda causing injury on their heads.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence is alleged to have taken place on account of dispute relating to land. It is also submitted that though three persons were injured, but there was a free fight between the parties. It is also submitted that the injuries suffered by the injured is simple in nature though is on the head, but then the same amply demonstrates that the petitioner never had any intention of committing a serious occurrence, nor there is allegation of repeated assault. It is further submitted that petitioner is not a criminal and even presuming what has been alleged is true, then it is his first offence when petitioner is aged about 45 years. It is also submitted that though three persons were injured, but then the allegation of assault is general and omnibus in nature and is not



specific.

Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhankund P. S. Case No.61 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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