

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41845 of 2022**

Arising Out of PS. Case No.-124 Year-2022 Thana- SIWAN CITY District- Siwan

NEWLAL PRASAD S/o Late Kapildev Prasad R/o village- Dhobawaliya,
P.S.- Maharajganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Madhukar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 341, 323,
324, 379, 307/34 of the Indian Penal Code and Section 27 of
Arms Act.

As per prosecution case, in brief, is that on
27.02.2022, the informant was at Fatehpur Bypass, in the
meantime, the wife of the informant gave information on phone
that some people were breaking the lock of the shutter of Ajay
Steel Works situated at Fatehpur Bypass Road, upon which the
informant along with his wife Sunita Devi and his nephew



Vikash Kumar reached there and saw that Newlal Prasad (petitioner), Bihari Lal, Shambhu, Rinku Devi, Janki Devi were present there and after that the informant asked why you are breaking the lock of my furniture's shop and on objection, Newlal Prasad assaulted on the head of the informant by means of pistol and they also caught his nephew Vikash Kumar and assaulting. It is further alleged that Rinku Devi and Janki Devi also assaulted the wife of the informant, as the result of which she became injured and the informant and his nephew also became injured by the butt of the pistol of Newlal Prasad and during mar-pit they were in number of 15-20 and when the people gathered, Newlal Prasad fled away getting fire. It is further alleged that during mar-pit Rinku Devi and Janki Devi snatched the golden chain from the neck of the informant's wife Sunita Devi.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Siwan Town P.S. Case No. 123 of 2022 filed by the family members of the petitioner against the informant and their family members. He further submits that in fact the informant is the tenant of the petitioner and informant



has taken on rent of the shop of the petitioner in which informant carrying his furniture shop but since long the informant is not paying rent nor he is vacating the shop in question and on the alleged date of occurrence some altercation took place between the parties and the present case and counter case have been instituted. He further submits that the injury report of the injured person suggest that the injury is simple in nature cause by hard and blunt substance.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (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 Siwan Town P.S. Case No. 124 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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