

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58542 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Ashok Ray, S/o Late Chandrika Ray, R/o village- Chandpur, P.S.-
Baikunthpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Baikunthpur P.S. Case No.204 of 2020 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 448, 380 and 504 read with Section 34 of the Indian Penal Code.

The informant and the accused persons are agnates and there is allegation of assault by the accused persons.

The petitioner's counsel submits that the FIR discloses specific allegation of assault in respect of accused persons, namely, Rajeshwar Ray, Binod Ray, Naresh Ray and Ramkishun Ray as well as allegation of taking away money against Santosh Ray. There is no statement in the FIR making



any allegation of assault of such overt act against the petitioner, as the informant has implicated him only due to subsisting dispute between the agnates. Petitioner having clean antecedents is apprehending his arrest.

Under such circumstances, learned APP has opposed the prayer for anticipatory bail.

On going through the allegations, this Court would find that there is no specific allegation against the instant petitioner whereas informant has specifically stated about the assault perpetrated by the other accused persons and injuries arising therefrom. There is also specific assertion that the petitioner has no criminal antecedents and also keeping in view the fact that the dispute is between the agnates, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on 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 Baikunthpur P.S. Case No.204 of 2020, subject to the conditions



as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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