

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62700 of 2022

Arising Out of PS. Case No.-407 Year-2020 Thana- MADHEPURA District- Madhepura

Nageshwar Das @ Nago Das Son of Late Shiv Prasad Das Resident of
Village- Dhorgaon, Ward No.- 11, P.S.- Madhepura (O.P. Bharrahi), District-
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 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, 307, 354, 506, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on orders of Badri Das, accused persons assaulted the informant by fists and slap, further Shravan assaulted Anmol by an iron rod causing injury on head, thereafter Bucho Das on exhortation of Nago Das assaulted Rajesh Das.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that subsequently Section 302 of the IPC was



added in the FIR as Anmol died during the course of treatment who is alleged to have been assaulted by Shravan, it is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that petitioner is not alleged to have assaulted either the deceased or any of the persons from the side of the informant rather it is alleged that Bucho Das on orders of petitioner assaulted Rajesh Das, it is also submitted that Rajesh Das is not the deceased. Learned counsel submits that it is very easy to implicate someone by alleging that it was at his behest that the occurrence was committed, it is also submitted that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

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 Court below 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 court below where the case is pending/successor court in connection with Mahepura (O.P.



Bharrahi) P.S. Case No. 407 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the petitioner, at this stage, submits that within 10 days he will remove the defect(s) as pointed out by the Office and before the petitioner surrenders, he will issue certificate to that effect to the petitioner so that the same can be filed before the learned trial court when his bail bonds are being considered.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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