

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4955 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- TARARI District- Bhojpur

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RAJU KUMAR @ RAJU KUMAR SINGH @ RAJU SINGH, Son of
Vishwanath Singh Resident of Village- Karath, P.S.- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is apprehending his arrest in connection
with Tarari P.S. Case No.160 of 2022 registered for the offence
punishable under Section 147, 148, 341, 323, 307, 379, 427,
504/506 of the Indian Penal Code.

The prosecution case is that in the process of asserting
right and possession over a piece of land, it is alleged that the
accused persons, including the petitioner have come variably
armed and have indiscriminately assaulted the prosecution
parties. Petitioner stated to have assaulted one Indu Kuwar and
Anshu Kumari.



Learned counsel for the petitioner submits that from the FIR, it is apparent that parties are neighbours. In fact, 16 days after the alleged occurrence, FIR has been lodged, which is clear indication of the false implication. There is a counter version of the same occurrence as Tarari P.S. Case No. 161 of 2022 wherein the prosecution parties are accused persons. In fact, the petitioner's son has also sustained injuries which is apparent from injury report (Annexure - 4) issued by the Primary Health Centre, Tarari, Bhojpur. The nature of alleged injury sustained by Indu Kuwar and Anshu Kumari is simple in nature, as is apparent from copies of the same (Annexure – 3). The petitioner has no antecedents and two co-accused Vikrama Singh and Vikash Singh have been allowed anticipatory bail in Cr. Misc. No. 5251 of 2023.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that specific assault corroborated by injury report is showing the petitioner's participation in the offence.

Considering the rival submissions, having regard to the fact that both sides have sustained injuries, the delay in lodging of the FIR and clean antecedents of the petitioner as also the nature of injury sustained by the victim, 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 Judicial Magistrate 1st Class, Ara in connection with Tarari P.S. Case No.160 of 2022, 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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