

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5515 of 2023**

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

VISHAL KUMAR, S/o Sri Raju Kumar Singh, R/o Village- Karath, P.S.-  
Tarari, Distt- Bhojpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**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 Sections 147, 148, 341, 323, 307, 379, 427, 504 and 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. The petitioner is stated to have assaulted one Shivam Kumar.

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 himself also has sustained injuries, which is apparent from injury report (Annexure-4) issued by the Primary Health Centre, Tarari, Bhojpur. 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, 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 1<sup>st</sup> 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.

**(Madhuresh Prasad, J)**

shashank/-

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