

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13895 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- RANIGANJ District- Araria

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ABUL S/o Bhola Sah R/o Village- Jagta Kharsahi Tola Palar, Ward no. 10,
P.S.- Raniganj, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Raniganj P.S. Case No. 113 of 2022 registered for the offence punishable under Sections 147, 148, 149, 447, 341, 323, 342, 324, 436, 427, 307, 506, 504 and 34 of the Indian Penal Code.

The petitioner along with other co-accused is having prior inimical terms with informant. He is alleged to have assaulted the informant and his family members by means of *farsa*.

Learned counsel for the petitioner submits that petitioner has committed no offence. He has falsely been implicated in this case because of subsisting land dispute. There



is case and counter-case between the parties. One of the co-accused has lodged Raniganj P.S. Case No. 115 of 2022 against the informant and his family. It is further submitted that out of multiple injuries, only one, not attributed to the petitioner, is grievous in nature. It is submitted that petitioner is aged about 75 years and has been implicated in three more cases, but all after lodging of the instant case. He thus has no prior antecedents. Similarly situated co-accused persons have already been allowed anticipatory bail by this Court in Cr. Misc. No. 52896 of 2022.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, claim based on parity, and the fact that there is delay in filing of FIR and the petitioner's age about 75 years, 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 C.J.M., Araria in connection with Raniganj P.S. Case No. 113 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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