

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16459 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- SAMASTIPUR District- Samastipur

VIJAY KUMAR S/O-DEVANAND RAM Village- Station Road Tuntuniya
Gumti Ps- Town Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Town P.S. Case No. 295 of 2022 for the offence registered under sections 307, 353, 333, 427, 341, 323, 504, 506 and 147 of the Indian Penal Code lodged on 21.10.2022 by the informant Md. Shahid Raza.

The prosecution story, in brief, is that on 21.10.2022 at about 4.00 PM the Deputy Municipal Commissioner, Samastipur gave a written report to the Officer Incharge of Town P.S. stating that on the orders of S.D.O., Samastipur, he alongwith other police personnel proceeded to remove illegal encroachment at various places at Samastipur Town Area and as they were removing the encroachment between Rambabu



Chowk and Tuntuniya Gumti about 50 persons which included shopkeeper and other vendors gathered at the place of occurrence and tried to obstruct the informant and others.

It is further alleged that the aforesaid persons started abusing the informant and others and accused Rajan Kumar @ Ranjan assaulted the informant by an iron rod which hit him on the head and back. Thereafter, other accused persons including the petitioner pelted stone at the informant and others due to which they sustained injury. Accordingly, the FIR.

It has been contended by the learned Senior Counsel that the main allegation is against Rajan Kumar @ Ranjan, who gave '*iron rod*' blow to the informant. So far as the other co-accused person including the petitioner is concerned, omnibus allegation is there and most of the injuries have been found to be as simple in nature.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the



informant after checking the credentials and also Rs. 5,000/- to be deposited in the Chief Minister's Relief Fund.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur in connection with Town P.S. Case No. 295 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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