

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17075 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- DHANAHA District- West Champaran

Khobhari Choudhari Son Of Sukdeo Chaudhari R/O Village- Piparpati
Nuniyapatti, Madhubani, P.S.- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Dhanaha P.S. Case No.264 of 2022 instituted under Sections 147, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code lodged on 04.11.2022 by the informant Ramchandra Singh.

As per the prosecution story, a written report was filed by the informant alleging there in that on 03.11.2022 at about 7:30 PM while son of informant namely Shakti Kumar Singh was coming back to his house on bike and reached near house of petitioner, he was stopped by the accused persons and all of them including petitioner assaulted him by means of Lathi, iron-rod etc. It is alleged that petitioner assaulted son of informant on his head by means of sharp weapon and they have also snatched



rupees five thousand as well as golden chain.

It has been contended by the learned counsel for the petitioner that although the allegation of assault is there, the injury has been found to be simple in nature. It is his firm undertaking with the help of para-7 that the injury is simple in nature and if it is found that the statement made is false the relief, if granted may become infructuous.

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 on its own would like to contribute towards the medical assistance of Rs. 5,000/- 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.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the injury is simple in nature and the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail, subject to the payment as undertaken. Further, if it is found that the statement regarding injury is wrong/false, this order shall



become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dhanaha P.S. Case No.264 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Bagaha, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

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

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(v) 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;

(vi) 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.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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