

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40372 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BIHTA District- Patna

AWADHESH KUMAR Son of Late Satya Rai Resident of village-
Dilawarpur, P.S.-Bihta, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard Mr. Arvind Kumar Singh learned counsel
for the petitioner and the State.

The petitioner apprehend his arrest in connection with Bihta P.S. Case No. 28 of 2023 for the offence punishable under Sections 341, 323, 307, 504, 506 and 34 of the I.P.C. lodged on 11.01.2023 by the informant Jitu Kumar.

As per the prosecution story, a specific allegation against the petitioner is of causing head injury.

Learned counsel for the petitioner submits that the actual fact is that the informant and his brother were stealing electric motor from the agricultural field which was seen in the torch light, 'Hulla' was made whereafter FIR vide Bihta P.S. Case No. 16/2023 was lodged and as a counter version, the present case. It is his further submission that the informant



when fleeing away in course of stealing of the electric meter may have sustained injury which has been attributed to this petitioner and in any case, the same has been found to be simple in nature which has been incorporated as Annexure 5 to the petition.

Learned APP opposes the prayer stating that the allegation is on the petitioner of assaulting on the head of the informant.

Considering the submissions that has been put forward by the learned counsel for the petitioner, there is case and counter case, the informant is facing theft case, as stated above, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M.- 1st Danapur in connection with Bihta P.S. Case No. 28 of 2023, 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 six months to mark his 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 his bail bonds.

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

(Rajiv Roy, J)

Jagdish/Jyoti/-

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