

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45432 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- BEERPUR District- Begusarai

SHUBHAM KUMAR son of Bipin Ray @ Bipim Kumar Ray Village- Birpur
West Ward no-5, Ps- Birpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Birpur P.S. Case No. 45 of 2023 for the offence registered under sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code lodged on 29.03.2023 by the informant, Sumit Kumar.

As per the prosecution story, allegation is that the accused persons surrounded the informant and started assaulting him with '*iron rod*', allegation against the petitioner is of hitting on the head of the informant. Accordingly, the FIR.

It is the case of the petitioner that although allegation of hitting on the head is concerned, that has been found to be simple in nature, only the injury on the nose has been shown to be grievous in nature which can be attributed to the other



accused persons. As per the FIR, they too assaulted by means of '*iron rod*'. Further, submission is that he is a young boy, student having passed his matriculation examination conducted by Bihar School Examination Board in the year, 2021.

Let the Matriculation Certificate be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation of assaulting the informant on his head.

Considering the fact that so far as his allegation is concerned, the injury has been found to be simple in nature and others too assaulted by '*iron rod*' which resulted into the nose injury, have been found to be grievous in nature, the petitioner is a young student having no criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

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 J.M. 1st Class, Begusarai in connection with Birpur P.S. Case No. 45 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 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)

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