

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51533 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- KOTWA District- East Champaran

LALBABU PRASAD SON OF BASANT PRASAD RESIDENT OF
VILLAGE - NAYAKA TOLA, AHIRALIYA, P.S. - KOTWA, DISTRICT -
EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Kotwa P.S. Case No.363/2022 registered for the offences punishable under Sections 341, 323, 379, 307 and 504/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he along with other co-accused had assaulted the father of the informant with iron rod on his head due to which he sustained head injury.

4. Learned counsel for the petitioner submits that both the parties are co-sharers, they are having land dispute and in



the alleged occurrence which took place on account of the said land dispute the injury caused is simple in nature as observed in the impugned order.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case that the parties are co-sharers, they are having land dispute and in the alleged occurrence which took place on account of the said land dispute the injury caused is simple in nature as observed in the impugned order, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Kotwa P.S. Case No. 363/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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