

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51234 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- RAMGARHWA District- East
Champaran

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MADAN PATEL @ MADAN RAUT @ MADAN PRASAD SON OF LATE
JOKHAN PATEL RESIDENT OF VILLAGE- CHAMPA PUR, PS-
RAMGARHWA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the Informant	:	Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr. Vijay Shankar Shrivastave, learned counsel

for the petitioner, Mr. Radha Mohan Singh, learned counsel

appearing on behalf of the Informant and Mr. Narendra Kumar

Singh, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Ramgarhwa P.S. Case No. 125 of 2023, F.I.R.
dated 02.04.2023 registered for the offences punishable under
Sections 341, 323, 307, 354, 379, 504, 34 of the Indian Penal
Code.

3. Allegation against the petitioner is that he assaulted
the informant by means of *Tangi* blow on his head due to which
he received injury on her head.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case and due to some petty dispute the present occurrence had taken place and there was no intention to assault the informant or his family members. He further submits that there is case and counter case between the parties and although the informant has received injury but the injury is simple in nature caused by hard and blunt substance.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted the informant and she has received injury but fairly submits that the injury suggests that she has received simple injury in nature caused by hard and blunt substance.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Ramgarhwa P.S. Case No. 125 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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