

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51806 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- RAJPUR District- Buxar

1. Raju Singh son of Late Ramcheej Singh Village- Pipradh Ps- Rajpur Dist- Buxar
2. Heera Lal Singh son of Late Ramcheej Singh Village- Pipradh Ps- Rajpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the Informant	:	Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr. Surendra Kumar Singh, learned counsel for the petitioner; Mr. Arvind Kumar Pradhan, learned counsel appearing on behalf of the Informant and Mr. Aditya Narayan Singh 1, learned APP for the State.

2. Learned counsel for the petitioners submits that during the pendency of the present petition the petitioner no. 2, namely Hera Lal Singh has been arrested and as such the present petition with respect to petitioner no. 2, namely Hera Lal Singh has become infructuous and accordingly, he seeks permission to withdraw the anticipatory bail petition of petitioner no. 2.

3. Permission is accorded.



4. The application is dismissed as withdrawn as having become infructuous with respect to petitioner no. 2.

5. The petitioner no. 1 is apprehending his arrest connection with Rajpur P.S. Case No. 207 of 2023, F.I.R. dated 02.06.2023 registered for the offences punishable under Sections 341, 342, 323, 307, 504, 506, 379 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

6. Allegation against the petitioner no. 1 is that he assaulted the informant Dharmendra Singh with a stick on his head due to which he sustained injured.

7. Learned counsel for the petitioner no. 1 submits that the petitioner has clean antecedents and he has been falsely implicated in the present case and there is case and counter case between the parties. He further submits that as per allegation in the F.I.R. the petitioner has assaulted to one Dharmendra Singh and co-accused Jawahir Singh has assaulted the father of the informant and the father of the informant received sustained injury and during course of treatment he died. He further submits that as per F.I.R. the petitioner has assaulted to one Dharmendra Singh and although Dharmendra Singh has received three injuries but all the injuries are simple in nature caused by hard and blunt substance.

8. 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 no. 1 and submits that in the first part of the F.I.R. there is allegation against Jawahir Singh who has assaulted the father of the informant and in the second part, all the accused persons including the petitioner has assaulted the father of the informant and during course of treatment he has died.

9. Considering the facts and circumstances of the case, let the petitioner no. 1, 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, Buxar in connection with Rajpur P.S. Case No. 207 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 no. 1 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 no. 1 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 no. 1 and in case at any stage, it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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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