

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60831 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SHANKARPUR District- Madhepura

RAKESH KUMAR, SON OF LATE BINDESHWARI YADAV, RESIDENT
OF WARD NO.15, P.S. - SHANKARPUR, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Swapnil Kumar Singh, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Shankarpur P.S. Case No. 01 of 2023 registered
for offence under Sections 341, 323, 307, 379, 504 and 34 of
Indian Penal Code.

3. As per prosecution case, while the informant was
demarcating his lands, it is alleged that the petitioner along with
other co-accused persons have arrived there variously armed
and indiscriminately assaulted the informant on exhortation by
the instant petitioner.

4. It is submitted by learned counsel for the petitioner
that there is subsisting land dispute between the parties over
which there was a fist fight which led to lodging of Shankarpur



P.S. Case No. 240 of 2022 against the present prosecution parties. The instant case is a counter blast to the said case, and has been lodged on the next date after the present informant was apprehended. The submission is that no assault has been attributed against the instant petitioner. He is having no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of accusations and the fact that one day prior to the institution of the present FIR, the present accused side had already lodged a case (Annexure-2 to the bail application), as also clean antecedents and the fact that no specific assault is attributed against the petitioner, this Court finds the petitioner entitled to anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Madhepura, in connection with Shankarpur P.S.



Case No. 01 of 2023, subject to the conditions as laid down in
Section 438(2) of the Code of Criminal Procedure as also
subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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