

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58881 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- OBRA District- Aurangabad

GUDDU GOSWAMI Son of Umesh Goswami Resident of Village-
Shankarpur, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending arrest in connection with Obra P.S. Case No. 237 of 2022 under sections 341, 323, 307, 504 of the Indian Penal Code.

As per the prosecution story, the allegation is that due to passage of water between their houses, scuffle took place between the parties and accordingly, the allegation against the petitioner is of assaulting on the head causing injury.

Learned counsel for the petitioner submits that it is a matter of case and counter case, their case is earlier to the present case. Further, although the Doctor sent the injured to get a CT Scan done, no such report ever came and in that backdrop, it will be presumed that injury was simple in nature.



Further, irrespective of the outcome of the present case, he is ready to extend medical assistance to the informant of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

The learned APP opposes the prayer.

Taking into account all the aforesaid facts as also the fact that the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 15,000/- as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

(iv) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Daudnagar, Aurangabad, in connection with Obra P.S. Case No. 237 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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