

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63634 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BARHARA District- Bhojpur

Vinod Singh S/O Late Anant Singh R/O Village- Bhusahula, Ps. Barahara,
Dist. Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Barhara P.S. Case No. 44 of 2023 dated 28.01.2023 instituted for the offence punishable under Sections 341, 323, 354B, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 22.01.2023 at about 4 pm, the petitioner along with other co-accused were pelting stones at the house of the informant. On protest made by the informant, they abused her, and the petitioner assaulted on the head of the informant by sharp weapon. The petitioner torn her blouse and tried to outrage her modesty. It is also alleged that his sister assaulted his grand son by rod. It is further alleged that the other accused persons have



snatched the gold ornaments of the informant and her family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner and the informant are the agnates and there is a land dispute between them. Learned counsel for the petitioner submits that present case is the counter blast case of Barhara P.S. Case no. 37 of 2023, which has been filed by the petitioner against the informant side on 24.01.2023 for the same occurrence. Learned counsel for the petitioner submits that the present F.I.R. has been lodged after six days from the date of occurrence without any explanation. Learned counsel for the petitioner submits that injury report shows that all injuries are simple in nature. It is submitted that allegation against the petitioner is general and omnibus. Lastly, it has been submitted that petitioner has two criminal cases against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Barhara P.S. Case No. 44 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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