

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60257 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- DHURAIYA District- Banka

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ASHOK BHAGAT SON OF LATE MADHO BHAGAT R/O VILLAGE-
PASAHA, P.O.- MUTANGA, P.S.- DHORAIYA, DISTRICT- BANKA
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha,Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection
with Dhoraiya P.S. Case No. 277 of 2021 for the offence
registered under Sections 341, 323, 307, 504, 506 and 34 of the
Indian Penal Code.

As per the prosecution story, the allegation is that the
accused persons asked the informant not to open window on
their side and when they refused to do so, they were assaulted
and allegation against the petitioner amongst other is of hitting
on the head by '*iron rod*'.

Learned counsel for the petitioner submits that
omnibus allegation is there against accused persons and in that
backdrop, relief may be granted to him. He further submits that
contrary to the allegation the injuries are actually on the left eye
brow as also case of body ache. Learned counsel for the



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

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that the allegation is omnibus in nature, the injury as per Annexure 2 has been found to be simple in nature, a case has been lodged and ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 15,000/- as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned I/C C.J.M., Banka in connection with Dhoraiya P.S. Case No. 277 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-



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

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) 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;

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

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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