

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62467 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BAKHTIYARPUR District- Patna

Shantu Ram Son of Late Kuldeep Ram R/o vill - Mogalpur, P.S. -
Bakhtiyarpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha. APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bakhtiyarpur P.S. Case No. 32 of 2023 dated 25.01.2023
instituted for the offence punishable under Sections 341, 323,
325, 307, 379/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
19.01.2023, while the informant was returning to his house from
Rajendra Nagar, Patna after doing his duty, one Suraj Kumar
called him to reach west of Tekabigha station by making a
phone call. When the informant reached there, the petitioner
along with other co-accused persons started assaulting him by
lathi-danda, due to which his hand and leg got fractured and he
also sustained grievous injury on his head. It is alleged that the



petitioner snatched Rs. 15,000/- from the informant and others accused snatched his golden locket and mobile.

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 there is no specific allegation against the petitioner. Allegation against the petitioner is general and omnibus. Learned counsel for the petitioner submits that as per the injury report, left leg with ankle of the informant was fractured and the nature of the injury is grievous in nature found which is on the non-vital part of his body. Learned counsel for the petitioner submits that the F.I.R. has been lodged after two days from the date of occurrence without any explanation. Learned counsel for the petitioner submits that there is no eye-witness of the alleged occurrence. Learned counsel for the petitioner submits that both the sides are close agnates and there is land dispute between the parties. Lastly, it has been submitted that petitioner has three criminal cases against him which have been lodged by the informant side..

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 Bakhtiyarpur P.S. Case No. 32 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. III, Barh and District Patna 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 is 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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