

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71420 of 2023

Arising Out of PS. Case No.-111 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Triveni Prasad @ Triveni Jaiswal Son Of Harendra Prasad @ Harendra Jaiswal
R/O Village- Hiramani Bajar, P.S.- Chauradano, Dist.- Est Champaran
(BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Raj, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Muffasil (Lakhora) P.S. Case No.111 of 2019 registered for the offences punishable under Sections 452, 307 and 120(B)/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he along with one Kanhaiya Prasad Gupta had assaulted the brother of the informant by *Gupti* due to which he became unconscious and blood started oozing out.

4. Learned counsel for the petitioner submits that this petitioner is the son-in-law of Kanhaiya Prasad Gupta (accused

no.1) and full brother of the informant and the allegation of causing injury by *Gupti* is against Kanhaiya Prasad Gupta as well as this petitioner but the injury report is showing only one injury which is simple in nature. Learned counsel submits that it is a case of false implication and the two brothers are fighting for a land dispute with which this petitioner who is son-in-law has nothing to do and he has otherwise no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that this petitioner is the son-in-law of Kanhaiya Prasad Gupta (accused no.1) the full brother of the informant, the allegation of causing injury by *Gupti* is against Kanhaiya Prasad Gupta as well as this petitioner but the injury report is showing only one injury which is simple in nature though it would have been dangerous to life, the submission being that it is a case of false implication and the two brothers are fighting for a land dispute with which this petitioner who is son-in-law has nothing to do, he has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing

bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Muffasil (Lakhora) P.S. Case No. 111 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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