

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1511 of 2023

Arising Out of PS. Case No.-214 Year-2020 Thana- ATHMALGOLA District- Patna

BAIJNATH RAI Son of Ramsaran Rai Resident of Village- Rajpura, P.S.-
Athmal Gola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-01-2023 Heard learned senior counsel for the petitioner, Shri
Yogesh Chandra Verma and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 323, 325, 307, 379, 447, 504 and 506 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that, earlier, the petitioner had moved *vide* Cr. Misc. No. 58881 of 2021 along with seven other accused persons.

Learned senior counsel further submits that, inadvertently, the anticipatory bail petition of the petitioner was permitted to be withdrawn and rest of the petitioners of that case were granted anticipatory bail.

Learned senior counsel next submits that since petitioner's anticipatory bail application was permitted to be



withdrawn, as such, it was not adjudicated on merit, it is also submitted that, no doubt, allegation was of assaulting the informant on head by *farsa* but then the assault was not repeated and the injury caused to the injured was simple in nature.

This submission of the learned senior counsel for the petitioner does not cut any ice with the Court for the reason that all these aspects were there when the anticipatory bail was argued.

At this stage, the learned senior counsel submits that subsequent to the anticipatory bail application of the petitioner being withdrawn, the parties on the intervention of well-wishers have compromised the case as would be evident from Annexure-3 to the anticipatory bail application which is a compromise petitioner dated 21.10.2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Athmal Gola P.S. Case No. 214 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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