

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7026 of 2024

Arising Out of PS. Case No.-364 Year-2022 Thana- PAHARPUR District- East Champaran

Abhishek Singh @ Abhishek Kumar @ Shashank Saurabh S/O Late Bhikhari
Singh @ Upendra Rai Village- Bawariya, Ps. Paharpur, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr.Ajay Kumar Singh, learned counsel for
the petitioner and Mr.Ram Anurag Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Paharpur PS Case No. 364 of 2022, FIR dated 11.10.2022, registered for the offences punishable under Sections 447,341,323,307,379,504,506,34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted to the informant by danda on her hand due to which he got seriously injured.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to admitted land dispute between the parties and there is case and



counter case and it appears from the FIR that the allegation against the petitioner is that he assaulted to the informant by means of Stick, although she has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, due to admitted land dispute the present occurrence had taken place, there is case and counter case and the injury received by the informant is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Paharpur PS Case No. 364 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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.

(Rajesh Kumar Verma, J)

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