

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9988 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Bahadur Mushar S/o Late Rupan Mushar R/o Village - Chhatarpura, P.S. -
Ramgarh, Dist. - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ramgarh P.S. Case No. 448 of 2023 for the offence registered under sections 341, 323 and 307 of the Indian Penal Code lodged on 11.11.2023 by the informant, Ajay Mushar.

3. As per the prosecution story, the informant alleged that when he was urinating in the field of Manoj Mushar, the villager came and abusing him for doing so, gave a '*danda*' blow on his head, causing injury. Accordingly, the FIR.

4. Learned Counsel for the petitioner made categorical submission that the injury has been found to be simple in nature and in a scuffle, the informant fell down on the ground which he has attributed to be a blow given on the head. The last



submission is that he do not have criminal antecedent.

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

6. Taking into account the submissions put forward by the parties as also that he do not have criminal antecedent according to him, the injury has been found to be simple in nature, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 A.C.J.M., Mohania, District-Kaimur (Bhabua) in connection with Ramgarh P.S. Case No. 448 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 six months 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.

(Rajiv Roy, J)

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