

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12231 of 2024

Arising Out of PS. Case No.-503 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Sheobhajan Pathak Son of Late Jagdish Pathak Resident of Village- Jaso, P.S.-
Buxar (Mufassil), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Satyapal Singh, learned counsel for the

petitioner and Mrs.Madhuri Lata, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Buxar (Mufassil) P.S.Case No.503 of 2023,FIR dated 26.11.2023 registered for the offences punishable under Sections 341,323,325,307,504,354(A)/506/34 of IPC.

3. Allegation against the petitioner is that he assaulted to the informant with iron rod causing injury on her head and blood started oozing and she became unconscious.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to admitted land dispute. Both the parties are Gotiyas and there is case and counter case between the parties and as per allegation



in the FIR that the petitioner has assaulted with iron rod to the informant, 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, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he assaulted to the informant by means of iron rod and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the pending matter, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Mufassil) P.S. Case No.503 of 2023, 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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