

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13503 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- MADHEPUR District- Madhubani

Baidyanath Thakur Son of Durganand Thakur Resident of Village- Madhepur,
P.S.- Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Madhepur P.S. Case No. 84 of 2023 for the offence under sections 341, 323, 327, 504, 506, 379, 420/34 of the I.P.C. lodged on 12.04.2023 by the informant, Deepak Kumar Niyogi.

3. As per the prosecution story, the informant has alleged that on 10.03.2023, when he went to his field to see his land, his agnates, the accused persons armed variously came and assaulted. Further, they snatched Rs. 15,000/- and gold chain. The reason is that in the year 1937, his grandfather had purchased the land which was partitioned but the dispute still continuing. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that it has been lodged on 12.04.2023 alleging the incident of 10.03.2023 and there is a delay of thirty two days in the lodging of the present FIR. Further, the informant a week later, also filed Title suit no. 69 of 2023 on 19.04.2023 only to pressurize the petitioner herein.

5. Learned APP opposes the prayer stating that the informant has alleged assault by the accused persons including this petitioner.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the injury has been found to be simple in nature, there is inordinate delay in lodging of the FIR, a title suit has also been preferred, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No. 84 of 2023 subject to the conditions 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/her 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 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;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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