

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19438 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- BALIYA District- Begusarai

Tripurari Kumar S/O Bhagirathi Singh R/O Village- Rahatpur, P.S- Balia,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kumar Rajeev, Advocate
For the Opposite Party/s :	Mr. Nand Kishore Prasad, APP
	Mr. Braj Bhushan Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-04-2024 1. Heard learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 323, 324, 307, 448, 504, 506, 354(B), 379 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that petitioner has antecedent of two cases, but is on bail and has been falsely implicated in the instant case by the informant with an allegation that he assaulted him by an iron rod causing injury on his head.
4. It is further submitted that the informant alleges that the accused persons including the petitioner came to his



house variously armed and threatened to compromise a previous case, but when the same was opposed by the informant, it is alleged that petitioner assaulted him by an iron rod causing injury on head, thereafter Rupesh assaulted him by *lathi* on head and Surendra pulled the *Sari* of the wife of the informant's brother.

5. It is next submitted that allegation of assaulting the informant on head is against the petitioner and Rupesh both. It is further submitted that the order impugned does not record the nature of injury which amply demonstrates that the injury is simple in nature.

6. The learned APP along with learned counsel appearing on behalf of the informant opposes the anticipatory bail application and the learned counsel appearing on behalf of the informant submits that petitioner has antecedent of three cases but at para-3 of the anticipatory bail application it has been pleaded that petitioner has antecedent of two cases only, but then submits that nature of injury is not recorded in the order impugned.

7. 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 Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No.278 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and in the event if it is found that the injury is grievous in nature, in that event, the present anticipatory bail order shall not be given effect to.

9. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two case, then also the present anticipatory bail order shall not be given effect to.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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