

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32236 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Bipin Kumar Son Of Shri Shiv Nath Bhagat Resident Of Village - Hariharpur,
P.O. - Rajauli, P.S. - Hajipur Sadar, District - Vaishali, Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 354 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that in his absence the accused persons including the petitioner assaulted the mason working in his house and acted inappropriately with his daughter, further when he went to talk to Shiv Nath, when Ritesh assaulted him by an iron rod causing injury on head, further Chunnu assaulted by sword causing injury on hand while Pawan assaulted his son Anand by rod causing injury on head, it is next alleged that the occurrence out



of fear was not reported to the police but then again on 26.10.2023, the accused persons came to his house along with Chhotu and on orders of Shivnath, Pankaj assaulted him by causing injury on body, Bipin (petitioner) assaulted his brother Subodh causing injury on head, thereafter Amarnath assaulted his nephew, Ranjit by *farsa* causing injury on head, Chunnu assaulted Gajendra by *farsa* causing injury on head, next Nitesh assaulted his son Anand by sword, further Nitesh and Pawan assaulted his son Anand by sword causing injury on head, thereafter, Premshila and Gudia assaulted his wife by rod and bricks.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation against this petitioner is of assaulting the brother of the informant namely, Subodh causing injury on head but then he has suffered simple injuries. It is thus submitted that this amply demonstrates that petitioner never had any intention of committing a serious occurrence. It is next submitted no doubt son of the informant Anand died but then specific allegation of assaulting Anand is against other accused persons.

5. The Learned A.P.P. for the State along with learned



counsel appearing on behalf of the informant oppose the prayer for anticipatory bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the injury suffered by Subodh is simple in nature.

6. At this stage, the learned counsel appearing on behalf of the informant submits that petitioner has not approached this Court with clean hands.

7. It is submitted that the petitioner by concealing his antecedent is trying to seek anticipatory bail. It is also submitted that petitioner has antecedent of one case, but at Para-3 of the anticipatory bail application, it has been stated that he is a person with clean antecedent.

8. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hajipur Sadar P.S. Case No. 807 of 2023 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

9. However, the learned Trial Court before accepting the bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail shall not be given effect to.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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