

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17681 of 2024**

Arising Out of PS. Case No.-106 Year-2023 Thana- NARALI KALA KHURD District-
Aurangabad

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Guddu Ram SON OF LATE RAJESH RAM RESIDENT OF VILLAGE-
SOHDA KESHOPUR, PS- NARARI KALA KHURD, DISTT-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Mukul Kumari, Advocate

For the Opposite Party/s : Mr Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner apprehends arrest in connection with
Narari Kala Khurd PS Case No 106 of 2023 dated 05.11.2023
instituted under Sections 147, 341, 323, 324, 308, 504, 506 of
the Indian Penal Code.

3 The allegation against the petitioner is that he, along
with other co-accused persons, uprooted the bamboo fixed on
the land of the informant and on objection, they abused and
assaulted him. It is further alleged that the petitioner hit the
head of the wife of the informant with lathi. Other accused
persons assaulted the informant with lathi as a result of which



he sustained injuries at his ear.

4 The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is submitted that the FIR has been lodged against seven accused person, all family members. It is submitted that the petitioner has also lodged a case bearing Narari Kala Khurd PS Case No 107 of 2023 against the informant and his family members under Section 307 and other allied sections of the Indian Penal Code. It is submitted that there is a land dispute between the parties. The learned counsel for the petitioner further submits that the wife of the informant got two injuries caused by hard and blunt substance but the opinion has been kept reserved till date. It is submitted that petitioner has no criminal antecedent.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Aurangabad in



Narari Kala Khurd PS Case No 106 of 2023, GR No 3018 of 2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and/or his wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7 The application stands allowed.

(Khatim Reza, J)

M.E.H./-

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