

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21288 of 2024

Arising Out of PS. Case No.-547 Year-2023 Thana- MADHUBAN District- East Champaran

Shambhu Ram Son of Jagdish Ram Resident of vill.-Jogauliya Tola Gulab
Khan, P.s.-Madhuban, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr.Dhannjay Kumar, learned counsel for the

petitioner and Mr.Zainul Abedin, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No.547 of 2023, FIR dated 01.11.2023, registered for the offences punishable under Sections 147,148,149,341,323,324,354(B),379,307,506 and 504 of IPC.

3. Allegation against the petitioner is that he gave blow of dabila on the head of the husband of the informant causing injury with oozing of blood.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the petitioner and the



informant are agnates and there is admitted land dispute between them and as per FIR allegation against the petitioner is that he assaulted to the husband of the informant and although he has received the injury but the injury report of the husband of the informant suggests that although he has received two injuries and both the injuries are simple in nature caused by hard and blunt object.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and injury report of the husband of the informant suggests that the injuries are simple in nature 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, Motihari, East Champaran at Motihari in connection with Madhuban P.S. Case No.547 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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