

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21563 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- BALIA BELON District- Katihar

Shiv Nath Mandal S/o- Sita Ram Mandal Village- Bini Jalalpur Ps- Balia
Belone Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr.Harish Chandra Patel, learned counsel for
the petitioner and Mr.Binod Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Balia Belone P.S. Case No.152 of 2023, FIR
dated 18.11.2023 registered for the offences punishable under
Sections 323,341,307,447,354(b),379,504,34 of IPC.

3. Allegation against the petitioner is that he assaulted
to the informant with farsa causing injury on her head.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated
in the present case due to old land dispute which relates to the
passage and as per FIR allegation against the petitioner is that
he assaulted to the informant by means of farsa, although the



informant has received the injury but the injury report of the informant suggests that the injury is simple in nature and there is case and counter case between the parties and for the same set of occurrence, an FIR was also instituted from the side of the petitioner.

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, there is case and counter case, injury received by the informant is 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 Additional Chief Judicial Magistrate-VI, Katihari in connection with Balia Belone P.S. Case No.152 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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