

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25496 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- CHARPOKHARI District- Bhojpur

Abhay Kumar @ Bodh Narayan Singh @ Baudha Narayan Singh, S/o-
Baleshwar Singh @ Baleshwar Prasad Singh, Resident of Village- Barani,
P.S. Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Ajay Kumar Singh, the learned counsel
for the petitioner and Mr. Aditya Narayan Singh.1, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Charpokhari PS Case No. 257 of 2023, FIR dated
25.12.2023, registered for the offences punishable under Sections
147, 341, 323 and 307 of the Indian Penal Code.

3. According to prosecution case, the informant was
informed that the accused persons are ploughing his field situated
at Mauja Malaure and when he reached there and objected the
same, the accused persons assaulted the informant with rod due to
which he sustained injury and fell down. It is further alleged that
one Durgesh Singh fired three times on the informant's brother,
but he somehow saved himself, thereafter the accused persons hit



on the head of informant's brother by means of pistol's butt.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR it is evident that due to admitted land dispute the present occurrence has taken place and as per allegation in the FIR the petitioner assaulted to the informant by means of iron-rod and although the informant has received the injury, but the injury report of the informant suggests that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the injury report of the informant suggests that the injury is simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, where the case is pending in connection with **Charpokhari PS Case No. 257 of**



2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court 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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