

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40129 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- BABUBARHI District- Madhubani

Hem Chandra Rout @ Hem Chandra @ Chandra Rout @ Hemchandra Nath Diwakar Son of Dharm Nath Singh @ Late Dharm Nath Raut (Wrongly mention in the FIR Age in 30 years), Resident of Village - Chhorhi, P.S.- Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Babubarhi P.S. Case No. 422 of 2023 for the offence registered under sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code lodged on 29.12.2023 by the informant Ramdeo Rout.

3. As per the allegation made in the F.I.R., the accused persons came to his door and thereafter Gajendra Rout abused, Hem Chandra Rout (the petitioner herein) caught hold of him thereafter Gajendra Rout gave iron pipe blow, causing injury on the head. He was taken to the Sadar Hospital, Madhubani and



then to Darbhanga Medical College and Hospital. This followed the F.I.R.

4. Learned Counsel for the petitioner submits that a bare perusal of the F.I.R. would show that the main allegation is against Gajendra Rout of having assaulted the informant, only allegation against him is of having caught hold of the informant. The last submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he caught hold of the informant.

6. Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also that he do not have criminal antecedent, main allegation is against Gajendra Rout, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Vith, Madhubani in connection with Babubarhi P.S. Case No. 422 of 2023 subject to condition as laid down under Section 438(2) of



the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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