

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40778 of 2024

Arising Out of PS. Case No.-332 Year-2022 Thana- MAHUA District- Vaishali

Matablal Ray @ Mahtablal Ray Son of Rambriksh Ray Resident of Village-
Rampur Chandrabhan @ Dagra , P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 332 of 2022 for the offence under Sections 341, 323, 307, 379, 504, 506 and 34 of the I.P.C. lodged on 13.05.2022 by the informant, Sitablal Ray.

3. As per the prosecution story, the informant alleged that on the minor issue of tying of the Cow under the tree, the petitioner who is own brother of the informant assaulted him on his head causing injury. The allegation of snatching of golden locket is also there. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that in a minor issue scuffle took place, he fell down and has exaggerated the injury. Further with support of para-10, he submits that though the allegation of assault is there, no injury report is available on record. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of



Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that the allegation of assault is there.

6. Taking into account the aforesaid facts as also the categorical statement made by the petitioner in paragraph-10 that the injury report is not available on record and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. However, if it is found that contrary to the statement made in paragraph-10, actually the injury report of the informant was available, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No. 332 of 2022 subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 his 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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