

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39869 of 2024

Arising Out of PS. Case No.-540 Year-2022 Thana- BANKA District- Banka

PAWAN KUMAR DAS@PAWAN DAS S/O RAMDEO DAS R/O
VILLAGE- SHANKARPUR, P.S- BANKA, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, 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 Banka P.S. Case No. 540 of 2022 for the offence registered under sections 341, 323, 324, 308 and 34 of the Indian Penal Code lodged on 24.08.2022 by the informant, Vishoka Devi.

3. As per the prosecution story, the informant alleged that on a minor issue, her husband was attacked and injured and allegation against the petitioner is of giving injury on the head. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner has taken this Court to Annexure-2, the Injury Report to show that the Doctor is opined the injury to be simple in nature. He submits that both of them are agnates, due to minor scuffle, the F.I.R.



5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- 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 injured through the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the injury is on the head though Annexure-2 shows it to be simple.

7. Taking into account the aforesaid facts as also that the injury has been found to be simple in nature, the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5,000/-, as stated above.

8. 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 540 of 2022 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)

Neha/-

U		T	
---	--	---	--

