

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46012 of 2024

Arising Out of PS. Case No.-1154 Year-2023 Thana- ARARIA District- Araria

Saroj Bharti @ Saroj Yadav @ Saroj Kumar Yadav S/o Late Shyam Yadav
R/o Village Gaiyari ward no 10 PS Araria, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Araria Nagar P.S. Case No. 1154 of 2023 registered under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code lodged on 03.12.2023 by the informant, Arvind Kumar Yadav.

3. As per the prosecution story, the informant alleged that due to land dispute and continuation of title suit, allegedly, in their absence, a road was constructed on the land and upon protest, this petitioner caught hold of the informant whereafter Balram Yadav gave blow on the head with '*dabiya*' causing head injury. Accordingly the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case lodged by both the parties, both



are agnates, title suit pending and further, he has taken this Court to the learned Session's Judge order to show that the injury has been found to be simple in nature. 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 allegation against this petitioner is that he caught hold of the informant.

6. Considering the submissions put forward by the parties as also the fact that the injury has been found to be simple in nature, there is land dispute, case and counter case and this petitioner do not have criminal antecedent, this Court is inclined to grant 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 Chief Judicial Magistrate Araria, District-Araria in connection with Araria Nagar P.S. Case No. 1154 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



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/her 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 his 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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