

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60520 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- JAKKANPUR District- Patna

Devendra Kumar son of Late Chhotan Prasad Resident of mohalla- New Begali Tola, P.S. Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Jakkanpur P.S. Case No. 190 of 2024 for the offence registered under sections 341, 323, 324, 307, 504, 506 and 34 of the IPC lodged on 31.03.2024 by the informant Reena Kumari.

3. As per the prosecution story, the informant alleged that the accused persons came, abused and assaulted. Further, allegation is that this petitioner along with Shailesh Kumar gave ‘*kudal*’ blow causing injury on the head and the reason is that the informant has no brother and the parents were blessed with only five sisters, the accused wants to grab the property. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



admittedly, there is a land dispute, a Title suit is pending and in furtherance of it, two FIRs came to be lodged, the FIR of the petitioner being the earlier one, he is an aged person, do not have criminal antecedent and the fact is that due to scuffle, the lady fell down and had injury which in any case has not been put in the category of grievous.

5. 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 the informant, Reena Kumari to be submitted before the 'NAZARAT' of concerned Court and to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault on the head is against this petitioner.

7. Though there is allegation of assault, the petitioner is an aged person, do not have criminal antecedent, there is case and counter case, admittedly land dispute and FIR is there, the petitioner will be facing the trial, this Court is inclined to grant



him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to Reena Kumari as undertaken by the learned counsel for the petitioner.

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, Patna in connection with Jakkanpur P.S. Case No. 190 of 2024 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)

Vijay Singh/-

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