

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60161 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- DUMRA District- Sitamarhi

Saurav Kumar @ Saurav Srivastava @ Sonu son of Sri Amrendra Srivastava
Resident of village- Kumhara Vishanpur, P.S- Dumra Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Arvind Kumar, learned counsel for the petitioner, Mr. Brajendra Nath Pandey, learned APP for the State as well as Mr. Amit Kumar, learned counsel for the Informant.

2. The petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 5138014240221 of 2024, F.I.R. dated 22.05.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has assaulted the husband of the informant with a bamboo.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that there is



case and counter case between the parties and both the parties are agnates to each other. He further submits that from perusal of the F.I.R. it appears that due to admitted land dispute the present occurrence had taken place and although there is allegation against the petitioner that he has assaulted with a bamboo to the husband of the informant and the petitioner's side has filed a case on 18.05.2024 and the informant's side has filed case on 22.05.2024 after delay of three days without explanation of delay.

5. Learned APP for the State as well as learned counsel for the Informant, on the other hand, opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case as well as the nature of allegation as alleged in the F.I.R., the occurrence had taken place due to admitted land dispute and both the parties are agnates, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 5138014240221 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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