

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58880 of 2024

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

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Gaurav Srivastava @ Monu S/O Sri Amrendra Srivastava Resident of village-
Kumhara Vishanpur, P.S- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Arvind Kumar, learned counsel for the

petitioner, Mr. Amit Kumar, learned counsel for the informant

and Mr. Brajendra Nath Pandey, learned APP for the State.

2. Petitioner seeks bail, who is in custody since

12.06.2024, 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 along

with other co-accused persons have assaulted the informant and

his family members due to which causing injuries.

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 from perusal of the F.I.R. it appears that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties. He further submits that as per allegation the petitioner and other co-accused persons have assaulted the informant and his family members and although the informants' side have received injuries and one injury is grievous in nature due to swelling in right arm. He further submits that co-accused person namely Saurav Kumar @ Saurav Srivastava @ Sonu against whom the almost similar allegation has been granted anticipatory bail by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 60161 of 2024. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.06.2024.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner has also assaulted to the informant and his family members.



6. Considering the aforesaid facts that the petitioner having clean antecedents and the occurrence had taken place due to admitted land dispute as well as there is case and counter case between the parties, let the petitioner, above named, 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 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 antecedents, 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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