

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61426 of 2024

Arising Out of PS. Case No.-542 Year-2023 Thana- BANIAPUR District- Saran

Rajesh Prasad son of Late Bhagwan Prasad Village- Chandpur, P.S.-
Baniyapur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 542 of 2023 for the offence under Sections 147, 341, 323, 307 and 504 of the Indian Penal Code lodged on 20,12.2024 by the informant, Keshav Prasad.

3. As per the prosecution story, the informant alleged that while carrying out construction work of drain, the accused persons armed variously came and while Nand Kishore hit Raju on his shoulder, this petitioner gave blow on the head by axe, other assaulted. This led to the F.I.R.

4. Learned counsel for the petitioner submits that though allegation of assault by axe is there, with the help of Annexure-2 had shown that the same has been found to be



simple in nature, he do not have criminal antecedent. 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(s) on its own would like to contribute towards the medical assistance of Rs.15,000/- to Raju Kumar @ Raju Kumar Prasad through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to Raju after checking credentials. Last submission is that one of the co-accused persons has been granted bail in Cr. Misc. No.40683 of 2024.

5. Learned APP opposes the prayer submitting that the axe blow is on the head which is a vital part.

6. Having heard the parties, though the allegation of assault on the head is on the petitioner, the same has been found to be simple in nature as per annexure-2 of the petition, he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioner to be paid through Demand Draft of local State Bank of India before the Trial Court to be handed over to the Raju Kumar @ Raju Kumar Prasad.



7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Baniyapur P.S. Case No. 542 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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 his 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 bail bonds.

(Rajiv Roy, J)

vinayak/-

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

