

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58004 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- RAGHOPUR District- Vaishali

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Jitendra Rai S/O Baikunth Ray R/O Kanchanpur, P.S- Bidupur, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-03-2024 Heard Mr.Sunil Kumar Singh, learned counsel for

the petitioner and Mr.Rajiv Nayan, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raghopur (Rustampur O.P.) P.S.Case No.67 of 2023,FIR dated 25.03.2023 registered for the offences punishable under Sections 147,148,341,323,324,307,504 and 506 of IPC and Section 27 of Arms Act.

3. Allegation against the petitioner is that he assaulted to the brother of the informant by means of Farsa causing injury and bleeding on head and he fell on the ground.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare



perusal of the FIR it appears that due to admitted land dispute the present occurrence had taken place and there is case and counter case and as per FIR allegation against the petitioner is that he assaulted with Farsa to the brother of the informant, namely, Rajdev Rai but the injury report of the brother of the informant does not support the allegation as alleged in the FIR.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, medical evidence does not support the allegation as alleged in the FIR and there is case and counter case, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S.Case No.67 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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/her 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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