

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65258 of 2024

Arising Out of PS. Case No.-239 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Rambabu Singh Son of Late Baijnath Singh R/O-Village- Rampur Daud, P.S.-
Kuchaikote, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No. 239 of 2024 for the offence registered under sections 341, 323, 324, 307, 447, 354 and 34 of the IPC lodged on 04.06.2024 by the informant Soni Kumari.

3. As per the prosecution story, the informant alleged that her six year's old toilet was destroyed by the accused side which included the petitioner and further she was also assaulted by them. The informant was treated at Community Health Centre, Kuchaikote and then shifted to Sadar Hospital, Gopalganj. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that admittedly, there is land dispute and as the toilet was on a



disputed land, the same was in a bad condition, broke down for which reason has been assigned to them. Further, the injury has been found to be simple in nature, he do not have criminal antecedent.

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. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court 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 though accept that as per the order of the learned Sessions Judge, the injury is simple in nature

7. Taking into account the aforesaid facts, admittedly, there is a land dispute, the petitioner do not have criminal antecedent, has undertaken to diligently appear in trial, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 15,000/- to Soni Kumari as undertaken by the learned counsel for the petitioner to be paid



by Demand Draft of local State Bank of India to be submitted to the Trial Court.

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 First Additional Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 239 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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