

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77664 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- GUTHANI District- Siwan

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Jitendra Ram, S/O Matichand Ram, Village- Patowan, Ps. Darauli, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Guthani P.S. Case No. 123 of 2022, registered for the offences under Sections 341, 323, 325, 307, 302 and 504/34 of the Indian Penal Code.

3. As per prosecution case, son of the informant was assaulted by the petitioner and other co-accused persons with *lathi, danda*, bricks and stones causing fracture of his head. Other persons also received injuries in this assault.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. No occurrence as alleged has ever



taken place. The FIR has been lodged against 6 named and 15-20 unknown persons including this petitioner. There is no specific allegation against this petitioner. Informant has not seen the occurrence and no reason has been given for the said occurrence. There is no corresponding injuries as more than 20 persons assaulted the son of the informant but no such injuries were found. Petitioner is a farmer and has got no concern with the alleged occurrence. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that other persons received injuries in the occurrence and have also named this petitioner along with other co-accused persons for assaulting the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioner without any substantive material and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with



two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Siwan/court concerned in connection with Guthani P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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