

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77694 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- CHHATAPUR District- Supaul

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RAMESH YADAV S/O SITA RAM YADAV VILLAGE- KAINJARA,
WARD NO. 2, PS. CHHATAPUR, DIST. SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Chhatapur P.S. Case No. 383 of 2022 registered under Sections 147, 148, 149, 447, 448, 323, 308, 379, 380, 504 and 506 of the Indian Penal Code lodged on 20.10.2022 by the informant, Ashok Yadav.

3. As per the prosecution story, the complainant alleged that when he was sitting at his door, the accused persons armed variously came and accused, Ranjeet Yadav tried to remove the pillar and upon protest brutally assaulted the informant's side. So far as this petitioner is concerned, there is allegation of assault on the head of the informant by means of 'rod'. There is other allegation against the accused persons of assaulting the family members which led to the filing of the complaint.

4. Learned counsel for the petitioner submits that a bare



perusal of the FIR would show that each and every member of the family has been made accused the complaint has been filed instead of FIR and further the injuries have been found to be simple in nature.

5. Learned counsel appearing on behalf of the informant submits that the assault was made on the head and as such, he does not deserve anticipatory bail.

6. A co-ordinate Bench of this Court had called for the injury report which has since been received and as per it, the doctor has found the injury to be simple in nature.

7. Taking into account the aforesaid facts as also the submission of the parties, he do not have criminal antecedent and as per the learned counsel, he is a labour, putting him in jail will serve no purpose, this Court is inclined to grant him privilege of anticipatory bail.

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 ACJM, V, Supaul in connection with Chhatapur P.S. Case No. 383 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 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 his 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)

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