

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76578 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- JOGAPATTI District- West Champaran

BHOLA RAM SON OF NAKCHHED RAM R/O VILLAGE- BALDIHA,
P.S.- JOGAPATTI (NAWALPUR), DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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 Jogapatti (Nawalpur) P.S. Case No. 264 of 2023 for the offence registered under sections 147, 148, 149, 323, 324, 325, 307, 379 and 504 of the Indian Penal Code lodged on 16.06.2023 by the informant, Lalan Ram.

3. As per the prosecution story, the informant alleged that due to land dispute, the sister-in-law was being abused and when informant protested, allegation against the petitioner is of giving '*farsa*' blow to the informant, causing injury. So far as Chotelal Ram another accused is concerned, he gave bamboo blow, causing further injury then Rajendra Ram assaulted his



brother, Jaynarayan Ram, causing head injury. Allegation against this petitioner is also of committing theft of Rs. 50,000/- alongwith Bharat Ram, they were taken to the hospital and this led to the FIR.

4. Learned Counsel for the petitioner submits that the allegation of assault on the head has been made, the same has been found to be simple in nature, as per the injury report, and 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 (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- 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.

7. Taking into account the submissions as also the fact that the injury has been found to be simple in nature, there is land dispute, the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail



subject to payment of Rs. 10,000/- as stated above.

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 C.J.M., Bettiah, West Champaran in connection with Jogapatti (Nawalpur) P.S. Case No. 264 of 2023 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 *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)

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