

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78965 of 2023

Arising Out of PS. Case No.-997 Year-2022 Thana- DOBHI District- Gaya

Baban Singh @ Bithal Singh Son of Late Tapesar Singh Resident of Village -
Ghoraghat, P.S. - Dobhi, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sherghati (Dobhi) P.S. Case No. 997 of 2022 registered for the offences punishable under Sections 341, 342, 323, 307, 504 and 34 of the Indian Penal Code. He is said to be a man of clean antecedent.

3. As per the prosecution story, on 22.10.2022, the informant had gone to the house of the petitioner to get back his due money. It is alleged that the petitioner and one other accused started abusing the informant and when his father reached there, it is alleged that both the accused persons started abusing him and with an intention to kill, they assaulted him with brick on his head due to which he got injured.



4. Learned counsel for the petitioner submits that both the parties are co-villagers and next door neighbours and there is an old land dispute between the parties. It is submitted that the alleged occurrence is said to have taken place on 22.10.2022 at 6:30 pm but the written application for lodging of FIR has been given after three days on 25.10.2022. It is further submitted that as per FIR, the petitioner had assaulted the father of the informant by means of a brick, it shows that there was no preparation on the part of the petitioner and he was not lashed with any weapon, the alleged occurrence, as alleged, has taken place on the spur of the moment and there is no repetition of blow.

5. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the manner of occurrence and that there is a land dispute between the parties, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sherghati (Dobhi) P.S. Case No. 997 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sherghati subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

6. 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 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.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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