

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83618 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- PIRO District- Bhojpur

Ramadhar Sah Son of Late Dinbahur Sah, R/O Village- Sahejani, P.S.-
(Hasanbazar) Piro, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2024 Heard Mr. Ashok Kumar Singh, the learned
counsel for the petitioner and Mr. Mritunjay Kumar Nirala, the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Piro PS Case No. 314 of 2023, FIR dated
13.07.2023, registered for the offences punishable under
Sections 341, 323, 324, 307, 504, 379 and 506 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, a dispute was going
on between the informant and the petitioner regarding the
construction of drainage near their houses. It is further alleged
that the petitioner and his family members assaulted the
informant when she opposed garbage dumping in the drainage,
due to which she sustained injury. It is further alleged that the



petitioner and his family members also assaulted the informant's family members who came for her rescue. It is also alleged that one Sumitra Devi snatched petitioner's *jiyutiya*.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case, and the present case is the counterblast of the Piro PS Case No. 300 of 2023 lodged by the petitioner against the informant and her family members. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 25.06.2023, but the present FIR is instituted on 13.07.2023 after a delay of eighteen days without giving any explanation only to save their skin from Piro PS Case No. 300 of 2023. He further submits that from perusal of the FIR it appears that there is allegation against the petitioner that he has assaulted the husband of the informant namely, Umesh Thakur, but the injury report of Umesh Thakur reveals:-

(i) Two lacerated cut of approx. 3cm x 2cm and 2cm x 2cm on the back parietal region and mid parietal region of head respectively with swelling,

(ii) Pain in both the legs,

(iii) Pain in both the shoulder joint,



(iv) Pain in the hip region.

Caused by - hard and blunt object.

and it appears that the opinions are reserved due to CT and X-ray report, but the same has not been submitted till the preparation of the injury report.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is case and counter-case between both the parties, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Arrah, where the case is pending in connection with **Piro PS Case No. 314 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). 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.

(Rajesh Kumar Verma, J)

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