

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83680 of 2023

Arising Out of PS. Case No.-291 Year-2023 Thana- UJIYARPUR District- Samastipur

Raushan Kumar Sah Son Of Late Gauri Shankar Sah Resident Of Village -
Belamegh, P.S. - Ujiarpur, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Om

For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-06-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 354B, 307, 379 and 506 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that petitioner is step-nephew of the informant. It is next submitted that from side of the petitioner Ujiarpur PS case No. 294 of 2023 was instituted against the informant and his side with an allegation that the accused persons of the said case were instrumental in killing his father. It is next submitted that there is an admitted dispute relating to property in between the side of



the petitioner and the informant. It is next submitted that no doubt the informant alleges that he was assaulted by the petitioner by *kudal* causing fracture of bone of the neck but then from perusal of the injury report, it would manifest that initially the informant was taken for treatment to sub-divisional Hospital, Dalsinghsarai from where he was referred to Samastipur, but then the informant instead of going to Samastipur, Hospital, got treated by a private doctor and thereafter based on the said treatment, his injury is alleged to have been grievous.

4. It is next submitted that Ujiarpur PS Case No. 294 of 2023 was registered on 6-8-2023, while the instant FIR was instituted on 5-8-2023 and the informant was granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court by an order dated 5-3-2024 in Cr. Misc No. 79243 of 2023. It is next submitted that informant all throughout was absconding till he did not get anticipatory bail by this Court, which amply demonstrates that informant manipulated his injury by getting treated by a private doctor.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner but then are not in a position to



rebut the submission of the learned counsel for the petitioner that informant of the instant case did not go to Sadar Hospital, Samastipur for treatment rather got treated by a private doctor. The learned counsel for the informant further submits that in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ujiarpur P.S. Case No. 291 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the



investigation or is not presenting himself as and when required,
the learned trial court shall be at liberty to forthwith cancel the
bail bonds of the petitioner.

(Satyavrat Verma, J)

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