

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84643 of 2023**

Arising Out of PS. Case No.-348 Year-2023 Thana- DUMRAO District- Buxar

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Dilip Kumar @ Dilip Kumar Jayswal Son Of Late Aditya Prasad @ Late  
Aditya Jayswal Resident Of Village - Sonar Toli, Naya Bhojpur Jadid, Police  
Station - Dumraon (NAYA Bhojpur O.P.), District - Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      18-01-2024                      Heard Mr.Rang Nath Choubey, learned counsel  
  
for the petitioner and Mr.Nitya Nand Tiwary, learned  
  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Dumraon (Naya Bhojpur O.P.) P.S.Case  
No.348 of 2023, FIR dated 27.08.2023 registered for the  
offences punishable under Sections 341, 323, 379, 308, 427,  
504, 506/34 of IPC.

3. Allegation against the petitioner is that he  
assaulted to the informant by iron rod causing injury on his  
head.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 24.08.2023 but the present FIR has been instituted on 27.08.2023 and from a bare perusal of the FIR it appears that there is specific allegation against the petitioner is that he inflicted iron rod blow on the head of the informant, although, the informant has received injury but the Doctor has opined that the injury is simple in nature and the co-accused person, namely, Pramod Kumar Jaiswal has been granted privilege of anticipatory bail by the learned court below itself.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner that he inflicted iron rod blow on the head of the informant and apart from the aforesaid the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the anticipatory bail petition.



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S.Case No.348 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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