

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6293 of 2024

Arising Out of PS. Case No.-341 Year-2022 Thana- MAJHAULIA District- West Champaran

SAPHIK DEWAN @ SAPHIK SON OF LATE DASTGIR DEWAN
RESIDENT OF VILLAGE- LAL SARAIYA, WARD NO. 11, PS-
MAJHAULIYA, DISTT- 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. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Majhauliya P.S. Case No. 341 of 2022 for the offence under Sections 341, 323, 324, 447, 307, 325, 504, 506, 337 and 34 of the I.P.C. lodged on 10.05.2022 by the informant, Taiyab Dewan.

3. As per the prosecution story, the informant alleged that due to land dispute this petitioner amongst other gave blow to the informant and his wife causing injuries on the head and the hand of the couple. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had gone there to make an amicable settlement between the two brothers, he being married to their sister, as the dispute flared,



he himself found implicated in it. He further submits that though the FIR has been lodged in such a way that an assault was made on the couple, the medical report shows that the injuries have been found to be simple, he do not have criminal antecedent and 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 on its own would like to contribute towards the medical assistance of Rs. 5,000/- 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

5. Learned APP opposes the prayer stating that though the injuries have been found to be simple in nature, the allegation of assault in on the petitioner.

6. It is unfortunate that due to land dispute, the family resorts to criminal activities causing injuries to their own family members, in this case though the allegation is there against the petitioner, injuries have been found to be simple in nature and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the



petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 341 of 2022 subject to the conditions 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/her 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 his 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 his bail bonds.

8. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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