

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85399 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- BAKHARI District- Begusarai

Rahul Sada @ Rahul Kumar S/o- Late Naresh Sada Village- Khakharua
W.No-12, Ps- Bakhri Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bakhri P.S. Case No. 230 of 2023 for the offence registered under sections 448, 341, 323, 307, 380, 504, 506 and 34 of the Indian Penal Code lodged on 06.08.2023 by the informant, Pramod Sada.

3. As per the prosecution story, the informant has alleged that the accused persons armed variously started abusing the informant's wife and later assaulted. The allegation against this petitioner is of assaulting the informant's wife causing injury on her head. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that on the basis of averment made in paragraph 10 that the injury



found on the body of the informant's wife has been opined as simple in nature.

5. 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's wife has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- 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's wife after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation against him is of assaulting the informant's wife.

7. Taking into account the aforesaid facts as also that the injury has been found to be simple in nature, the petitioner is a young boy of 19 years, do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 10,000/- by the petitioner, as stated above and undertaken by the learned Counsel for the petitioner.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 230 of 2023 subject to condition 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 *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 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 the bail bonds;

9. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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