

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86225 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

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Sudhir Kumar Bhatt Son of Late Mahavir Bhatta Village Bazidpur Ward No-
06 P.S Vidyapatinagar Dist Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 At the outset, learned counsel for the petitioner seeks

permission to make some correction in paragraph ‘1’ of the

petition.

2. Permission is granted.

3. Heard learned counsel for the petitioner and learned
APP for the State.

4. The petitioner in the present case is seeking pre-
arrest bail in connection with Vidyapatinagar P.S. Case No. 169
of 2023 registered for the offences punishable under Sections
341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.
He has got no criminal antecedent.

5. Learned counsel for the petitioner submits that the
petitioner is a practising lawyer of Dalsinghsarai Civil Court at

Samastipur having good reputation in the society and this case has been an offshoot of a civil dispute between the two co-sharers.

6. As per the prosecution story, on 09.10.2023 while the informant was returning home on his motorcycle from Dalsingh Sarai Civil Court, all the F.I.R. named accused persons including this petitioner and seven-eight unknown persons surrounded him and started abusing him. It is alleged that when the informant objected, the petitioner assaulted him with an iron rod on his head due to which he started bleeding. It is further alleged that other accused persons also indulged in assaulting the informant and when nearby people gathered, all the accused persons fled away and the petitioner is alleged to have snatched away gold chain from informant's neck.

7. Referring to the First Information Report, learned counsel for the petitioner submits that from F.I.R. it would appear that the informant who is also an Advocate has referred this petitioner as a co-villager but the fact is that the informant and the petitioner are uncle and nephew respectively. The informant has falsely implicated the entire family including the female members of the petitioner. As per allegations, six named and seven-eight unknown persons had been involved in the

alleged occurrence. So far as this petitioner is concerned, there is an allegation that he had assaulted the informant by an iron rod on his head but there is no allegation of repetition of blow.

8. It is further submitted that the learned Sessions Judge did not notice any serious injury on the person of the informant. The F.I.R. has been lodged on the *ferdbeyan* of the informant recorded on the next day which would also show that the occurrence was not reported to the Police at the earliest opportunity on 09.10.2023. The F.I.R. has been registered on 26.10.2023.

9. It is further stated that prior to the present case, the petitioner had lodged a case being Vidyapatinagar P.S. Case No. 58 of 2023 against the informant on 10.05.2023. The present case is an offshoot of the earlier case lodged by the petitioner.

10. Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the entire facts and circumstances of the case, the parties being closely related to each other, the delay in lodging of the F.I.R. and the circumstances showing that prior to the present case, the petitioner had lodged one case against the informant and further that the petitioner is ready to abide by the terms and conditions on which his presence may be secured in course of trial, this

Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Vidyapatinagar P.S. Case No. 169 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Dalsinghsarai, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. 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.

12. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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