

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4026 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- ITARHI District- Buxar

Arjun Singh Son Of Late Jagdamba Singh Resident Of Village - Lodhas,
Police Station - Itarhi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Satyapal Singh, learned counsel for the
petitioner and Mr. Mohammad Sufyan, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Itarhi P.S. Case No. 198 of 2023, F.I.R. dated 15.08.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 379, 308 of the Indian Penal Code and later on Section 307 of the Indian Penal Code was added.

3. Allegation against the petitioner is that he along with other co-accused persons came at the door of the informant and started abusing her and accused Kunjan Devi caught hold her hair and pulled her on the earth and started assaulting by means of legs and fists and after that all of them assaulted her. It is further alleged that when the husband of the informant came to rescue than co- accused Dwarika Singh gave a knife blow to the



informant's husband and due to which she sustained injury on his nose and lip and he also assaulted her son Chandan Singh by means of knife.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation against co-accused person namely Dwarika Singh who gave knife blow to the informant's husband namely Nawratan Singh due to which he sustained injury on his nose and lip.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 198 of 2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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