

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12315 of 2025

Arising Out of PS. Case No.-485 Year-2024 Thana- KAHALGAON District- Bhagalpur

Ajit Kumar Sarkhel S/O Late Surrendra Nath Sarkhel R/o Village-
Maheshamunda, Ward No.10, P.S.-Kahalgaon, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kahalgaon P.S. Case No. 485/2024 for the offence registered under sections 115(2), 126(2), 109, 74, 117(2), 352, 351(2), 3(5) BNS lodged on 25.08.2024 by the informant, Vipin Kumar.

3. As per the prosecution story, the informant alleged that his uncle (the petitioner herein) opened a door towards his roof and when was requested not to do so, the assault took place in which they have to suffer. While the informant got broken legs, his son got injury on the head while the wife too received certain injuries. This led to the FIR.

4. Learned Counsel for the petitioner submits that there is case and counter case, his case being earlier to the



present case, the photograph attached to the present petition clearly shows that the informant is an aggressor, as he was trying to assault, in the process fell down, broke his legs and the same has been attributed to him. 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. 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 after checking the credentials.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that at best, the assault took place and though he is showing his innocence, the fact remains that he wanted to encroach the land of the informant which led to the episode.

6. Taking into account the submissions of the parties as also that there is case and counter case, the case of the petitioner being the earlier one, he is a person of 60 years of age, the case is that the legs were broken due to a fall, in that background, this Court is inclined to grant him the anticipatory



bail with conditions subject to payment of Rs. 10,000/- to the informant 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 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 Court of S.D.J.M. Bhagalpur in connection with Kahalgaon P.S. Case No. 203/2012 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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.

(Rajiv Roy, J)

Vijay Singh/-

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