

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67916 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- BANJARIA District- East Champaran

Shekh Kasim Son of Late Shekh Mansur, R/o- Village- Gobri, P.S.- Banjariya,
Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar-II, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Dhannjay Kumar-II, the learned counsel
for the petitioner, the learned counsel appearing on behalf of the
informant and Mr. Md. Aslam Ansari, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Banjariya PS Case No. 108 of 2024, FIR dated
03.06.2024, registered for the offences punishable under Sections
341, 323, 307 and 504 read with Section 34 of the Indian Penal
Code.

3. According to the prosecution case, the family
members of informant committed *marpit* with the informant and
informant's father assaulted him by means of iron-rod due to
which he suffered injury.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that from perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place. He further submits that although there is specific allegation against the petitioner that he has assaulted to the informant, but injury report of informant suggests that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears that specific allegation of assault is attributed against the petitioner, apart from that petitioner carries one criminal antecedent other than the present one, however, he fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the fact that injury inflicted upon the injured person is found to be simple in nature, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran at Motihari, where the case is pending in connection with **Banjariya PS Case No. 108 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. /



Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial Court 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 learned trial Court 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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