

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3243 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. ANANT KUMAR @ CHHOTU KUMAR SON OF SANJAY SINGH @ PINTU SINGH R/O VILLAGE- KHAJHANPUR, WARD NO.3, P.S.- CHERIYA BARIYARPUR, DISTRICT- BEGUSARAI
 2. KANHAIYA KUMAR SON OF SANJAY SINGH @ PINTU SINGH R/O VILLAGE- KHAJHANPUR, WARD NO.3, P.S.- CHERIYA BARIYARPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Cheriya Bariyarpur P.S. Case No. 213 of 2022 for the offence registered under sections 147, 148, 149, 323, 354(B), 307, 385, 427, 504 and 506 of the Indian Penal Code lodged on 19.08.2022 by the informant, Pappi Devi.

The prosecution case in brief is that on 19.08.2022, Anant Kumar @ Chhotu came to her house and demanded payment of Rs. 1 lakh for construction of Toilet and dared how he stated construction without making payment. Further, other



named accused persons assaulted her on her head with the butt of pistol due to which she was injured and Abhishek Kumar and Birendra Singh disrobed her and Kanhaiya Kumar and Chitranjan Singh caught her hair and pushed her to the ground & snatched one golden chain (2 bhar) from her neck worth Rs. one lac. All accuseds further demolished her newly constructed Toilet. They also asked to withdraw Cheria Bariyarpur P.S Case No. 79/2022 and 82/2022 and threatened to kill her & her family members. Accordingly, the FIR.

Learned counsel for the petitioners submit that although there is allegation of assault on the petitioners, the same has been found to be simple in nature and further the similar situate persons have since been released granted relief vide Cr. Misc. No. 14855 of 2023 on 12.05.2023 by a Co-ordinate bench of this Court.

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 (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- X 2= Rs. 20,000/- to the victim.

Learned APP opposed the prayer for anticipatory bail.



Considering the aforesaid facts, submissions put forward as also the grant of relief to other co-accused, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 20,000/-, as stated above.

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 Additional Chief Judicial Magistrate I, Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 213 of 2022 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 petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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