

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15744 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- BARARI District- Katihar

NITISH KUMAR Son of Anandi Mandal Resident of Village- Madhubani,
P.S.- Barari (O.P. Semapur), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Barari (Samapur) P.S. Case No.166 of 2022 instituted under Sections 147, 149, 341, 323, 307, 379, 504 of the Indian Penal Code lodged on 12.06.2022 by the informant Sonu Mandal.

As per the prosecution story, on 11.06.2022 around 10.00 p.m. heated conversations took place between the informant's nephew and the accused at the place of occurrence and when informant's brother tried to pacify the matter, the accused persons assaulted him. Accused namely Nitish Kumar hit informant's brother on his head with iron rod whereas accused Suman Kumari took out Rs. 5000/- from his pocket. Accordingly, the FIR.



It has been submitted by the learned counsel for the petitioner that there was a free fight between the parties, although the injuries has been attributed, to the petitioner, the same has been found to be simple in nature.

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.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the injuries have been found to be simple in nature, this Court is inclined to grant him privilege of anticipatory bail, subject to the undertaking of payment given above.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each



with two sureties of the like amount each in connection with Barari (Samapur) P.S. Case No.166 of 2022 to the satisfaction of learned A.C.J.M., 3rd, Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) 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;

(vi) 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)

Prakash Narayan /
Sunil

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