

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14138 of 2023

Arising Out of PS. Case No.-173 Year-2021 Thana- BAHERI District- Darbhanga

CHANCHAL KUMAR S/o Late Shiv Narayan Mandal R/o Village-
Baghauni, P.S.- Baheri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, 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 Baheri P.S. Case No. 173 of 2021 instituted under Sections 341, 323, 325, 379, 308, 427, 385, 506 and 504/34 of the Indian Penal Code lodged on 10.09.2021 by the informant Raghubar Mandal.

As per the prosecution story, the informant Raghubar Mandal on 4.9.2021 while returning to his house was surrounded by the four named accused persons and 5 unknown and was badly assaulted by accused Dharmendra by bat on his head while accused Raman Kumar snatched Rs. 5000/- from his pocket. The allegation against the petitioner is of using towel around his neck. They also damaged the motorcycle of the informant. Accordingly the FIR.



Learned counsel for the petitioner submits that a bare perusal of FIR would show that allegation of assault is on Dharmendra Kumar and Raman Kumar. Only allegation against him is that of using a towel around his neck.

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 stating that they are trying to panic the society, if the allegation in the FIR is true.

Taking into account that the allegation of assault is on Dharmendra Kumar and Raman Kumar, he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs.10,000/- as undertaken by him.

Let the petitioner be released on 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 Baheri P.S. Case No. 173 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate VII, Darbhanga, 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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