

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14860 of 2023**

Arising Out of PS. Case No.-438 Year-2021 Thana- ATRI District- Gaya

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NIRBHAY KUMAR @ SONU KUMAR SON OF VINAY KUMAR SINGH
@ VINAY SINGH R/O VILLAGE- BHATU BIGHA, P.S.- ATRI, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Atri P.S. Case No 438 of 2021 for the offence under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the I.P.C. lodged on 14.12.2021 by the informant Shrawan Kumar.

The prosecution story, in brief, is that informant alleged that on 24.10.2021, when the informant was making his 'khalihan' by cleaning the land situated south side of his house, the accused persons armed variously came there. Nitish Kumar and Saurabh Kumar assaulted with 'Garasa' and rod on his head causing injury in head. It was further alleged that wife of the informant Indu Devi came to his rescue when Sonu Kumar, Vinay Singh, Satish Kumar, Pintu Kumar, Uday Singh and all



other accused persons assaulted on her head causing head injury. Subsequently, it was alleged that accused Nandan Kumar, Vinay Singh and Vijay Singh snatched gold ornaments. Later, they went for treatment at ANMMCH, Gaya.

It is the submission of the learned counsel for the petitioner that there is a case and counter case and further a bare perusal of the F.I.R. would show that inordinate delay has been made in lodging of the same. Further, the allegation against the petitioner is of assaulting the wife of the informant and the injury have been found to be simple in nature.

The last submission is that some of the similar placed co-accused have since been released on anticipatory bail vide Cr. Misc. No. 70263 of 2022.

Learned APP opposes the prayer.

Considering the fact that the occurrence is of 24.10.2021 and the F.I.R. was lodged on 14.12.2021, there is a counter version to the said case, the injuries have been found to be simple in nature and some of the similar co-accused have been granted relief, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Gaya, in connection with Atri P.S. Case No 438 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(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 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 his 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 his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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