

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17807 of 2023

Arising Out of PS. Case No.-807 Year-2022 Thana- BARHARA District- Bhojpur

1. RAM NIWAS RAI Son of Late Harinandan Rai R/V and P.S- Barahara, Dist- Bhojpur
2. Kapil Rai @ Kapil Deo son of Ram Niwas Rai R/V and P.S- Barahara, Dist- Bhojpur
3. Rinku Devi Wife of Anil Rai R/V and P.S- Barahara, Dist- Bhojpur
4. Pintu Rai @ Manish Kumar Son of Ram Niwas Rai R/V and P.S- Barahara, Dist- Bhojpur

... .. 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. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023

Heard the parties.

The petitioners are apprehending arrest in connection with Barhara P.S. Case No 807 of 2022 for the offence under Sections 147, 341, 323, 307 and 397 of the I.P.C. lodged on 27.11.2022 by the informant Sunaina Devi.

The prosecution story, in brief, is that the informant alleged that on 27.11.2022, the husband of the informant was working at his field where petitioner no. 1 assaulted him. Thereafter, the husband of the informant came to his home and then the female members of the petitioners' family came at the her and again started him. They started pelting stones to the informant's family which caused head injury to the informant and thereafter, petitioner no. 1 and his sons too came and



assaulted them and son. They also snatched the golden chain of informant's son. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioners that there is case and counter case, allegation is omnibus in nature, injuries have been found to be simple and further irrespective of outcome of the present case and without accepting the allegation, they would like to give medical assistance of Rs. 5,000/- to the two injured (totaling Rs. 10,000/-).

Learned APP opposes the prayer.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioners as also the fact that the injuries have been found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara P.S. Case No 807 of 2022 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 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 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;

(iv) 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.

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

(Rajiv Roy, J)

Ravi/kiran/-

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