

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37906 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- NAWADA District- Nawada

-
1. Janki Yadav @ Janki Mahto Son of Kesar Yadav Resident of Village - Harla, Police Station - Nawada (Kadirganj), District - Nawada.
 2. Nitish Kumar Son of Janki Yadav @ Janki Mahto Resident of Village - Harla, Police Station - Nawada (Kadirganj), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Birendra Kumar, learned counsel for the
petitioners and Mr. Sanjay Kumar, learned APP for the State.

2. Learned counsel for the petitioners submits that
vide order dated 02.08.2023 the anticipatory bail petition of
petitioner no. 1 namely Janki Yadav @ Janki Mahto has already
been dismissed as withdrawn.

3. The petitioner no. 2 is apprehending his arrest
connection with Nawada (Kadirganj) P.S. Case No. 319 of 2023,
F.I.R. dated 21.02.2023 registered for the offences punishable
under Sections 341, 323, 325, 307, 448, 379, 504, 506, 34 of the
Indian Penal Code.

4. Allegation against the petitioner no. 2 is that he
attacked with *lathi* on the head and hand of the informant due to



which he sustained injured.

5. Learned counsel for the petitioner no. 2 submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that there is case and counter case between the parties and both the parties are agnates and due to previous dispute the present occurrence had taken place. He further submits that as per allegation in the F.I.R. the petitioner namely Nitish Kumar assaulted the daughter of the informant namely Sima Kumari but the injury report of Sima Kumari suggests that she has received injury but the injury is simple in nature caused by hard blunt and substance.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case and nature of injury inflicted by the daughter of the informant, let the petitioner no. 2, namely Nitish Kumar, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Nawada (Kadirganj) P.S. Case No. 319 of 2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

