

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40652 of 2023**

Arising Out of PS. Case No.-94 Year-2023 Thana- PANCHRUKHI District- Siwan

Mundrika Sah S/O Late Shivnath Sah R/O Village- Sadikpur, Ps. Pachrukhi,
Dist. Siwan Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Pachrukhi P.S. Case No. 94 of 2023 instituted under under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code lodged on 16.4.2023 by the informant, Upendra Kr. Singh.

As per the prosecution story, the allegation is that the informant is 'Mukhiya' of Makhanpur Gram Panchayat was walking in the evening when the accused persons came and the allegation is that on the exhortation of this petitioner, the other accused persons surrounded him, abused and assaulted by hands and fists and further allegation is of snatching of gold chain worth Rs. 60,000/- attributed to this petitioner.

Learned counsel for the petitioner submits due to village rivalry, the 'Mukhiya' has implicated these accused persons on false implication.

It is his further submission that the petitioner cannot



even dare to assault the local 'Mukhiya'. Learned counsel for the petitioner has also brought on record an order in C.W.J.C. No. 2069 of 2018 filed by him in which the nephew of the informant Mantu Kumar Singh has also been put on notice. The said dispute is relating to a pond.

Learned APP opposes the prayer.

Considering all the aforesaid facts as also the submission put forward by the learned counsel for the petitioner, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Pachrukhi P.S. Case No. 94 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Siwan or successor court, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his 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 his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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