

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47989 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KIUL District- Lakhisarai

1. Jitendra Kumar S/O Bidya Yadav R/O Village- Singhchak, Ps. Kiul, Dist. Lakhisarai
2. Shikandra Kumar S/O Bidya Yadav R/O Village- Singhchak, Ps. Kiul, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Kiul P.S. Case No. 15 of of 2023 instituted under under Sections 341, 323, 324, 354(B), 379, 307/34 of the Indian Penal Code lodged on 5.2.2023 by the informant, Maushmi Kumari.

As per the prosecution story, the allegation is that Bidya Yadav assaulted by 'khanti' on the head of the informant's husband while the other co-accused Sunaina Devi snatched the gold chain. Accordingly, the FIR.

Learned counsel for the petitioner submits that the allegation is against the petitioner's father in which two sons have been dragged in the case. Further, even the injuries



inflicted by their father has been found to be simple in nature (Annexure-2 to the petition).

Learned APP opposes the prayer.

Considering the facts that the allegation is against Bidya Yadav of assault, no specific allegation is against these two petitioners and ultimately they will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Kiul P.S. Case No. 15 of of 2023 to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai 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 petitioners 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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