

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45275 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- SANDESH District- Bhojpur

1. Anil Kumar Son of Sonadhari Yadav Resident of village - Nasratpur, P.s. - Sandesh, Distt. - Bhojpur
2. Parma Kumar @ Prabha Kumar Son of Hanslal Yadav Resident of village - Nasratpur, P.s. - Sandesh, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Sandesh P.S. Case No. 34/2023 instituted under under Sections 147, 149, 341, 323, 307, 379, 324, 325, 354 of the Indian Penal Code lodged on 26.1.2023 by the informant, Anita Devi.

As per the prosecution story, the allegation is that the accused persons assaulted the informant's side. So far as the petitioner no.2 is concerned, he assaulted the Chandrakant Kumar by 'lathi', petitioner no.1 assaulted Anita Devi by 'Dab' on her head. Accordingly, the FIR.

Learned counsel for the petitioners submit that



although the allegation has been made to show it graver, the observation of learned Sessions Judge shows that the same has been found to be simple in nature. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each to Anita Devi and Chandrakant Kumar.

Learned APP opposes the prayer but concedes that the injuries have been found to be simple in nature as per the observation of the learned Sessions Judge.

Considering the submission put forward by the learned counsel for the petitioners as also that the injuries have been found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court at the time of execution of bail bond to be handed over to Anita Devi and Chandrakant Kumar after checking their credential.

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 Sandesh P.S. Case No. 34/2023 to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara 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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