

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45452 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- MAHKAR District- Gaya

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ALOK KUMAR @ DEEPU @ DEEPU KUMAR S/O SUNDAR YADAV
R/O Village- Rasalpur, P.S- Mahakar, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Mahakar P.S. Case No. 101 of 2022 for the offence under sections 341, 323, 324, 307, 447, 379 and 504/34 of the I.P.C. lodged on 04.10.2022 by the informant, Pawan Kumar.

As per the prosecution story, the allegation is that both the informant and his cousin brother were at their newly constructed house where the petitioner was standing and upon asking about it by the informant, the allegation is that not only he started fighting, also called his parents who came with 'khanti' and 'iron-rod' and hit Uma Shankar Kumar on his head causing injury. Further, allegation against the petitioner is of using 'khanti' to assault on his neck which hit his chin and



thereafter, they thrown him in the pond, but it was only timely rescue by the villagers that he could be saved and taken to hospital. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that though the informant has tried to made the F.I.R. graver, the fact remains that the injuries have been found to be simple in nature as incorporated in Annexure-3.

Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to Uma Shankar Kumar after checking the credentials.

Learned APP opposes the prayer.

Considering the fact that the injuries has been found to be simple in nature, he is a young boy of twenty years and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

Let the petitioner 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) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Gaya, in connection with Mahakar P.S. Case No. 101 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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