

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47669 of 2023

Arising Out of PS. Case No.-1189 Year-2022 Thana- SUPAUL District- Supaul

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PRADEEP KUMAR S/O BADRI MANDAL @ NARAYAN MANDAL R/O
Village- Jhakharahi, Ward No. 27, P.S- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Supaul P.S. Case No. 1189 of 2022 instituted under under Sections 341, 323, 324, 307, 379 and 506/34 of the Indian Penal Code lodged on 22.12.2022 by the informant, Pankaj Kumar Mandal.

As per the prosecution story, due to electricity rivalry, allegation is that co-accuseds, namely, Pradeep Kumar and Kuldeep Kumar started assaulting by means of 'dabia' and 'khanti' causing injury on his head. When his family members came to rescue, allegation is that co-accused, Pradeep Kumar snatched Rs. 3000/- from the pocket of informant's father and other co-accused persons also assaulted the informant's side/family members. Accordingly, the FIR.



Learned counsel for the petitioner submits that there is case and counter case, the petitioner's FIR being earlier to the present case. Further, the injury has been found to be simple in nature whereas in the counter case, the injuries have been found on the person of the present petitioner also.

Learned APP opposes the prayer stating that there is allegation of using 'khanti' on the part of the petitioner.

Considering the fact that the injuries on the informant's side inflicted by the petitioner has been found to be simple in nature, there is case and counter case, the petitioner's case being earlier one and he do not have criminal antecedent, 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 Supaul P.S. Case No. 1189 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Supaul 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.

(Rajiv Roy, J)

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