

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52729 of 2022

Arising Out of PS. Case No.-24 Year-2020 Thana- BABUBARHI District- Madhubani

1. MUKESH KUMAR @ GUDDU Son of Umesh Chandra Thakur Resident of Village Muglaha, P.S. - Babubarhi, District - Madhubani.
2. Shyam Kumar Rai Son of Shri Baidyanath Rai Resident of Village Dhamaura, P.S. - Babubarhi, District - Madhubani.
3. Jitendra Kumar Mandal Son of Sri Niras Mandal Resident of Village Lahapipar, P.S. - Babubarhi, District - Madhubani.
4. Dharmendra Kumar Rai Son of Late Rajendra Rai Resident of Village - Dhamaura, P.S. - Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Babubarhi P.S. Case No. 24 of 2020 for the offence registered under Sections 341, 323, 324, 307, 448, 379, 506 and 34 of the Indian Penal Code.

As per the prosecution story, the allegation is that while he was sleeping on his farm house, the petitioners came there and threatened to kill him for not withdrawing the complaint case and further on the order of petitioner no. 1, the



petitioner no. 4 took out a knife and assaulted him causing injury near his left eye and the other petitioners assaulted with lathi. The last allegation is that the petitioner no. 2 took out Rs. 30,000/-.

Learned counsel for the petitioners submit that although the injury has been assigned to the petitioner no. 4, the Doctor has reserved the opinion and has not stated the same to be grievous in nature. It is his further submission that irrespective of the outcome of the result, the petitioner no. 4 is inclined to pay Rs. 15,000/- 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 the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer stating that they have inflicted the injury upon the informant.

Taking into account the fact that the injuries have not been found to be grievous in nature, abrasions are there, ultimately the petitioners will have to face the trial, this Court is inclined to grant them relief of anticipatory bail subject to payment of Rs. 15,000/- by petitioner no. 4, to the informant as stated above.



Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Madhubani in connection with Baburahi P.S. Case No. 24 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C with conditions:

(i) the petitioners shall be visiting the concerned police station for next six months every fortnight;

(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.

(Rajiv Roy, J)

Jagdish/Neha/-

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