

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59603 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- TEGHRHA District- Begusarai

1. ARJUN TANTI S/o Jhoti Tanti Resident of Village- Pakthaul, P.S.- Teghra, District- Begusarai.
2. Babita Devi @ Babita Kumari W/o Arjun Tanti Resident of Village- Pakthaul, P.S.- Teghra, District- Begusarai.
3. Jitendra Tanti @ Jitendra Kumar Tanti S/o Jhoti Tanti Resident of Village- Pakthaul, P.S.- Teghra, District- Begusarai.
4. Raja Kumar S/o Umesh Tanti Resident of Village- Pakthaul, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Poddar Suresh Gandhi, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Teghra P.S. Case No. 344 of 2021 for the offence registered under Sections 341, 323, 308 and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that due to land dispute between the parties, all the accused persons armed variously assaulted the informant's side and



specific allegation is against petitioner no. 1, Arjun Tanti of assaulting the informant on hand whereas petitioner no. 4, Raja Kumar assaulted the sister of the informant on her head. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that the entire FIR is exaggerated inasmuch as although injuries have been assigned to two of the petitioners, no such injury could be sent to the learned Session Judge till the passing of the order despite several adjournments made by it which found incorporated in his order.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that so far as petitioner no. 4, Raja Kumar is concerned, he assaulted the sister on her head.

Taking into account the aforesaid submissions as also observation of the learned Session Judge, this Court is inclined to extend the privilege of anticipatory bail to the petitioners simply because the injury report could not come to the Court of learned Session Judge, till the passing of the order. As such, if the injuries on the two persons (informant and informant's sister) are found to be simple in nature, the petitioner no. 1, Arjun Tanti and petitioner no. 4, Raja Kumar shall be entitled to



privilege of anticipatory bail and if the same is grievous, no such relief will be extended to them.

So far as the petitioner no. 2, Babita Devi @ Babita Kumari and petitioner no. 3, Jitendra Tanti @ Jitendra Kumar Tanti are concerned, omnibus allegation have been made against them and one of them, petitioner no. 2, Babita Devi @ Babita Kumari is a lady, do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail with conditions.

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 Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 344 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their 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 leave his/her district (Begusarai) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark their attendance;

(iv) upon return to their district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) except the petitioner no. 2 Babita Devi @ Babita Kumari all the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) 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 their bail bonds;

(vii) 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.



(viii) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required.

(Rajiv Roy, J)

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