

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58848 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- CIVIL LINE District- Gaya

1. NAGENDRA PRASAD Son of Late Basu Mistry Resident of Village - Tilha, Mahavir Asthan, Beldari Tola, P.s.- Civil Lines, Distt.- Gaya.
2. Reena Devi W/o Nagendra Prasad Resident of Village - Tilha, Mahavir Asthan, Beldari Tola, P.s.- Civil Lines, Distt.- Gaya.
3. Raushan Kumar Son of Nagendra Prasad Resident of Village - Tilha, Mahavir Asthan, Beldari Tola, P.s.- Civil Lines, Distt.- Gaya.
4. Chandani Kumari D/o Nagendra Prasad Resident of Village - Tilha, Mahavir Asthan, Beldari Tola, P.s.- Civil Lines, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Binod Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Civil Lines P.S. Case No. 31 of 2021 for the offence registered under Sections 323, 341, 504, 506, 354(B), 379 and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that accused persons who belong to the same family including wife, daughter and the son of petitioner no. 1 came and assault the family of the informant. Accordingly, the FIR was lodged.



Learned counsel for the petitioners submit that it is a counter blast to another FIR lodged by the accused persons vide Civil Lines P.S. Case No. 09 of 2021. It is further submitted by the learned counsel for the petitioners that although the allegation of assault is there, no such injuries have been found on the person of the informant's side and none of the petitioners have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the aforesaid facts as also that they belongs to the same family, is the matter of case and counter case, they 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 C.J.M., Gaya in connection with Civil Lines P.S. Case No. 31 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 their district (Gaya) 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, they shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner nos. 1 and 3 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.

Neha/-

(Rajiv Roy, J)

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