

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59526 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- HASANGANJ District- Katihar

1. BIJAY PODDAR @ VIJAY PODDAR S/O BHUNESHWAR PODDAR
R/O - RAMPUR KOSPALI, P.S. - HASANGANJ
2. JUGNU PODDAR S/O BIJAY PODDAR R/O - RAMPUR KOSPALI, P.S. -
HASANGANJ
3. MAHARAJ PODDAR S/O BIJAY PODDAR R/O - RAMPUR KOSPALI,
P.S. - HASANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Hasanganj P.S. Case No. 85 of 2023 for the offence under sections 341, 323, 307, 354, 379, 504, 506/34 of the I.P.C. lodged on 08.06.2023 by the informant, Gautam Kumar.

3. As per the prosecution story, on 08.06.2023, the informant Gautam Kumar was in his house, in the meantime all the accused persons named in FIR arrived there and assaulted him. Allegation is that petitioner no. 1 Vijay Poddar inflicted knife blow upon the informant whereas petitioner no.3 Maharaj



Poddar hit the stomach of pregnant lady/wife of informant's brother, petitioner no. 2 Jugnu Poddar tried to outrage the modesty of mother of informant and also took out ornament from her possession. The petitioner no. 3 Maharaj Poddar also inflicted knife blow on brother of informant. Accordingly the FIR.

4. Learned Counsel for the petitioners submit that so far as petitioner no. 3 Maharaj Poddar is concerned, the allegation is that he hit the stomach of the pregnant lady, regarding Bijay Poddar @ Vijay Poddar, an exaggerated allegation is that he used the knife to cause injury on the hand.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer stating that there is specific allegation against Maharaj Poddar of hitting the stomach of the pregnant lady.

6. Taking into account the kind of allegation that has come against Maharaj Poddar (petitioner no. 3), this Court is not inclined to extend him the privilege of anticipatory bail, which is accordingly rejected.

7. So far as the Bijay Poddar @ Vijay Poddar (petitioner no. 1) and Jugnu Poddar (petitioner no. 2) are concerned, they do not have criminal antecedent, allegation is against Bijay Poddar @ Vijay Poddar but the injury has been



found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 1 and 2, above named, 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 CJM, Katihar, in connection with Hasanganj P.S. Case No. 85 of 2023 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners no. 1 and 2 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 no. 1 and 2 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners no. 1 and 2 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 petitioners no. 1 and 2 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.

(Rajiv Roy, J)

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