

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56641 of 2022

Arising Out of PS. Case No.-282 Year-2019 Thana- DHAKA District- East Champaran

1. Birendra Ram Son of Ram Sewak Ram R/V- Jhitkahi, Birta Tola, P.S- Dhaka, Dist- East Champaran
2. Sangita Devi Wife of Birendra Ram R/V- Jhitkahi, Birta Tola, P.S- Dhaka, Dist- East Champaran
3. Anil Ram @ Anil Kumar Ranjan Son of Ram Sewak Ram R/V- Jhitkahi, Birta Tola, P.S- Dhaka, Dist- East Champaran
4. Pappu Kumar @ Pappu Ram Son of Birendra Ram R/V- Jhitkahi, Birta Tola, P.S- Dhaka, Dist- East Champaran
5. Munna Kumar Son of Birendra Ram R/V- Jhitkahi, Birta Tola, P.S- Dhaka, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zaki Haider, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Dhaka P.S. Case No. 282 of 2019 under
sections 447, 341, 323, 308, 337, 504 and 506/34 of the Indian
Penal Code.

As per the prosecution story, the allegation against



the accused persons is/are of assaulting the informant/family members causing injury to them.

Accordingly, the FIR.

Learned counsel for the petitioners submit that it is matter of case and counter case and both sides suffered injuries, their case being earlier to the present one. Further, the injuries have been found to be simple in nature save and except one injury on the hand and further they were availing the benefit of Section 41(1) of the Cr.P.C. but now the Court below has taken cognizance in the matter.

The learned APP on the other submits that one injury on the hand of Harendra Ram was found to be grievous in nature.

Considering the aforesaid fact as also that they were availing the benefit of Section 41(1) of the Cr.P.C. and will be diligently appearing in the trial, this Court is inclined to grant them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their 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 S.D.J.M., Sikrahana at Dhaka, East



Champaran, in connection with Dhaka P.S. Case No. 282 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C subject to following conditions :

(i) 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/her bail bond by the Trial Court itself;

(ii) 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.

(Rajiv Roy, J)

Ravi/Ajay Singh

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