

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57926 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- LAKHNAUR District- Madhubani

1. CHANDA PAMARIYA @ MD. CHAND SON OF SALIM PAMARIYA R/O VILLAGE- DEEP BALWA TOLA, P.S.- LAKHNAUR (R.S.O.P.), DISTT.- MADHUBANI
2. ISRAFIL PAMARIYA SON OF SALIM PAMARIYA R/O VILLAGE- DEEP BALWA TOLA, P.S.- LAKHNAUR (R.S.O.P.), DISTT.- MADHUBANI
3. SALIM PAMARIYA SON OF SULEMAN PAMARIYA R/O VILLAGE- DEEP BALWA TOLA, P.S.- LAKHNAUR (R.S.O.P.), DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nazir Ansari, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, 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 Lakhnaur P.S. Case No. 85 of 2022 for the offence registered under Sections 341, 323, 308, 379, 504 and 506/34.

As per the prosecution story, the informant alleged that when his son Jamal was coming home on a bicycle, the petitioner no. 1, Chanda Pamariya @ Md. Chand knocked him down from his motorcycle and when the informant's side went to his house to complain, allegation is that the petitioner no. 2,



Israfil Pamariya assaulted his son Chand by '*farsa*' on his head while petitioner no. 3, Salim Pamariya assaulted his another son again on the head by '*iron rod*' causing injury.

Learned counsel for the petitioners submits that it is a matter of case and counter case. Their case being earlier and some injuries have been found to be grievous in nature.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail and submits that direct allegation of assault on the head upon petitioner nos. 2 and 3.

Considering the allegation that has come against the petitioner nos. 2 & 3, namely, Israfil Pamariya and Salim Pamariya of causing injuries on the head of the informant's two son, this is not a fit case for extending the privilege of anticipatory bail which is accordingly rejected.

So far as petitioner no. 1, Chanda Pamariya @ Md. Chand is concerned, only allegation against him is of having knocked down the son of the informant while he was riding bicycle and ultimately, he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner no. 1, Chanda Pamariya @ Md. Chand 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 A.C.J.M.- I, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 85 of 2022 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 petitioner, who shall provide official document to show his/her *bona fide*;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation
and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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