

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60676 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- NAGAR District- Vaishali

1. PAWAN KUMAR @ PAWAN KUMAR YADAV SON OF RAM PRAVESH RAI RESIDENT OF VILLAGE - JADHUA CHISTI, P.S. - HAJIPUR TOWN, DISTRICT - VAISHALI
2. SANJAY RAI SON OF RAM PRAVESH RAI RESIDENT OF VILLAGE - JADHUA CHISTI, P.S. - HAJIPUR TOWN, DISTRICT - VAISHALI
3. VIKASH KUMAR SON OF SURESH RAI RESIDENT OF VILLAGE - JADHUA CHISTI, P.S. - HAJIPUR TOWN, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumarm, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-12-2023 Heard Mr. Hemant Kumar, learned Counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Hajipur Town P.S. Case No. 408 of 2023 for the offence registered under sections 341, 323, 307, 379, 506 and 34 of the Indian Penal Code lodged on 29.05.2023 by the informant, Pappu Kumar.

3. As per the prosecution story, the informant has alleged that the accused persons/petitioners were under the impression that the seizure of liquor by the Excise Department



was made on his behest and accordingly he was intercepted whereafter petitioner no. 1, Pawan Kumar @ Pawan Kumar Yadav gave iron rod blow on his head and when Santosh Kumar came to his rescue, the other two petitioners Sanjay Rai and Vikash Kumar assaulted him as also deprive them of Rs. 10,000/- and the gold chain. Accordingly, the FIR.

4. Taking into account the allegation of assault on the head of the informant by the petitioner no. 1, Pawan Kumar @ Pawan Kumar Yadav is concerned, his anticipatory bail application stands rejected. He is well advised to surrender within four weeks from today before the concerned court and move for bail which shall be taken up and disposed of.

5. So far as the petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar) are concerned, omnibus allegation of assaulting Santosh Kumar is there against them, both of them do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

6. Let the petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar) 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., Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 408 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar), who shall provide official document to show their *bona fide*;

(ii) the petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar) 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 petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar) shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 2 (Sanjay Rai) and petitioner no. 3 (Vikash Kumar) 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 no. 2 (Sanjay Rai) and petitioner no.



3 (Vikash Kumar) 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.

(Rajiv Roy, J)

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