

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62913 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- DHANARUA District- Patna

1. SUNNY KUMAR S/o Ravindra Yadav R/v- Khadiya, P.S.- Dhanarua, District- Patna
2. SURAJ KUMAR S/o Ravindra Yadav R/v- Khadiya, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and the State through video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection with Dhanarua P.S. Case No. 144 of 2021 instituted under Sections 147, 149, 341, 342, 323, 379, 504, 506 of the Indian Penal Code and 27 of Arms Act.

As per the prosecution story, the allegation against both the petitioners is that they caught hold of the informant's side and petitioner No.2 assaulted with butt of the pistol causing injury at the right eye. Further, when the informant's mother came to his rescue, the father of the petitioners namely, Ravindra Yadav assaulted her with iron rod causing injury on



her nose.

Further allegation is of assault on Himanshu Kumar as also snatching of gold chain.

Accordingly, the FIR.

The defence of the petitioners is/are that they are villagers and due to land dispute, they have been wrongly implicated in the matter. The further submission is that irrespective of the outcome of the present case, they intend to pay Rs. 10,000/- each towards medical assistance to the injured persons through Demand Draft issued by the local State bank of India branch to be deposited before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials. .

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that injuries have been found to be simple in nature, the petitioners will be cooperating in the investigation and ultimately will face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Dhanarua P.S. Case No. 144 of 2021 to the satisfaction of learned Additional Sessions Judge, Masaurhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;

(vi) 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.

(Rajiv Roy, J)

Ajay Singh/-

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