

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62035 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- BANMANKHI District- Purnia

1. SACHITANAND YADAV S/O Late Bindeshwari Yadav R/O Village- Mohaniya Durgi Tola, Ward No- 3, P.S- Banmankhi, District- Purnea
2. Dayanand Yadav S/O Late Bindeshwari Yadav R/O Village- Mohaniya Durgi Tola, Ward No- 3, P.S- Banmankhi, District- Purnea
3. Bulbul Yadav @ Bablu Yadav S/O Sri Sachitanand Yadav R/O Village- Mohaniya Durgi Tola, Ward No- 3, P.S- Banmankhi, District- Purnea
4. Ravindra Yadav @ Ravindra Kumar S/O Sri Sachitanand Yadav R/O Village- Mohaniya Durgi Tola, Ward No- 3, P.S- Banmankhi, District- Purnea
5. Ram Kumar Yadav @ Ram Kumar Bharti S/O Sri Dayanand Yadav R/O Village- Mohaniya Durgi Tola, Ward No- 3, P.S- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv
For the Opposite Party/s : Mr.Abhay Kumar, 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 Banmankhi P.S. Case No. 146 of 2022 instituted under Sections 341, 323, 324, 307, 325, 504, 34 of the Indian Penal Code and section 27 of Arms Act.

As per the prosecution story, the allegation is that when the informant was cultivating his land, named accused came and assaulted. In the process, Santosh Yadav and Dilkhush



Kumar sustained injuries on the head and leg respectively. Later, they were shifted to Sub-Divisional Hospital, Banmankhi and then to Sadar Hospital, Purnea for treatment.

The submission of the learned counsel for the petitioners is/are that it is a matter of case and counter case, scuffle took place in which both sides sustained injuries and further with the help of the observation of the learned Sessions Judge in para-4, it has been shown that the injuries of both the Santosh Yadav and Dilkhush Kumar were found to be simple in nature. The last submission is that they do not have criminal antecedent and irrespective of the outcome of the present case, they would like to extend medical assistance of Rs. 5,000/- each to the injured through the informant totalling Rs. 25,000/- by 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 but accept the fact that the injuries have been found to be simple in nature.

Taking into account the aforesaid facts that the petitioners do not have criminal antecedents, it is a matter of case and counter case, injuries have been found to be simple in



nature, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 25,000/-, as stated above.

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 Banmankhi P.S. Case No. 146 of 2022 to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, 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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