

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68336 of 2023

Arising Out of PS. Case No.-193 Year-2021 Thana- WARISLIGANJ District- Nawada

1. Anil Yadav @ Anil Kumar S/O- Late Karu Yadav R/O- Village- Manjaur Tola Beldariya, P.S.- Warsaliganj, Dist.- Nawada
2. Ravikant Kumar @ Ravikant S/O- Anil Yadav @ Anil Kumar R/O- Village- Manjaur Tola Beldariya, P.S.- Warsaliganj, Dist.- Nawada.
3. Shashi Kant Kumar @ Shishu Kant @ Shashi Kant S/O- Anil Yadav @ Anil Kumar R/O- Village- Manjaur Tola Beldariya, P.S.- Warsaliganj, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-12-2023 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Warisaliganj P.S. Case No. 193 of 2021 instituted under under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code lodged on 22.05.2021 by the informant.

3. As per the prosecution story, the informant has alleged that there was marriage of the grand daughter of the informant and the invitation was extended which he did not accept and later allegation is that all the accused persons including these petitioners armed variously came and assaulted him causing injury on his head. Further, one Vikash Kumar



snatched gold Tabiz from his neck and when his son, Rakesh Ranjan came to save then all the accused persons also assaulted him.

4. Learned counsel for the petitioners submit there is case and counter case to the petition, their case being earlier to the present one which has been lodged 10 days later; there is omnibus allegations against all the accused persons. Further, injury on the scalp is simple in nature while the grievous part which has been recorded relates to non-vital part, finger. The further submission is that as they are agnates, without accepting the allegation and/or the outcome of the present petition, the petitioners intend to pay Rs.5,000/- each to the informant as a token of gesture. The last submission is that some of the earlier accused persons have been granted bail, which is part of the petition as Annexure-2 series.

5. Learned APP on the other hand submits that the matter is of 2020 he has delayed coming to this Court.

6. Taking into account the fact that though there has been delay in coming to the Court, allegations are omnibus against all the accused persons, F.I.R. lodged, ultimately they will face the trial. The case of the petitioners have been lodged earlier to the present case which has been presented after 10



days delay, this Court is inclined to extend them the privilege of anticipatory bail, subject to payment of Rs.5,000/- each by the petitioners to the informant through Bank Draft issued by the local State Bank of India and to be submitted before the Court and handed over to the informant after checking credentials.

7. 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 Warisaliganj P.S. Case No.193 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 appear before the concerned



police station every fortnight for next six months to mark their attendance;

(iv) 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;

(v) 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)

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