

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4393 of 2024

Arising Out of PS. Case No.-231 Year-2021 Thana- TRIVENIGANJ District- Supaul

1. Shrawan Yadav @ Shrawan Kumar S/O RAMESHWAR YADAV VILLAGE- KASHA, PS. TRIVENIGANJ, DIST. SUPAUL.
2. DEEPAK YADAV @ DEEPAK KUMAR S/O LATE SHATRUGHAN YADAV @ SHATRUDHAN YADAV VILLAGE- KASHA, PS. TRIVENIGANJ, DIST. SUPAUL.
3. ASHISH KUMAR S/O BISUN YADAV VILLAGE- KASHA, PS. TRIVENIGANJ, DIST. SUPAUL.
4. GULAB YADAV S/O KUNAY YADAV VILLAGE- KASHA, PS. TRIVENIGANJ, DIST. SUPAUL.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 231 of 2021 for the offence under sections 144, 149, 447, 427, 341, 323, 324, 308, 307, 379, 114 of the I.P.C. lodged on 20.07.2021 by the informant, Kapildeo Yadav.

3. As per the prosecution story, due to land dispute, the accuseds assaulted the informant side and the allegations against these petitioners is/are as follows:

(i) petitioner no. 1 assaulted Ganeshi, injury simple;



(ii) petitioner no. 2 assaulted Shivchandra Yadav,
injury simple;

(iii) petitioner no. 3 assaulted Ramchandra Yadav,
injury simple;

(iv) petitioner no. 4 assaulted Umesh Yadav, injury
simple.

4. Learned counsel for the petitioners submit that the Investigation Officer after completion of investigation, did not sent petitioner no. 2 but later, the learned ACJM-I Supaul differed and charge sheet submitted against all necessitating this anticipatory bail.

5. Further, it has been submitted that all the injuries have been found to be simple in nature and none of the petitioners have criminal antecedent.

6. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 3,000/- (totalling Rs. 12,000/-) each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the injured persons namely, Ganeshi,



Shivchandra Yadav, Ramchandra Yadav and Umesh Yadav after checking the credentials.

7. Learned APP opposes the prayer stating that though the injuries have been found to be simple in nature, the allegations of assault is/are there.

8. Taking into account the submissions put forward by the parties as also the fact that all the injuries have been found to be simple in nature and they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 3,000/- each as undertaken by the learned counsel for the petitioners.

9. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned ACJM-I, Supaul, in connection with Triveniganj P.S. Case No. 231 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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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