

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5893 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- MADHUBAN District- East Champaran

1. RAJ KISHORE PRASAD SON OF RAMAYODHYA BHAGAT
RESIDENT OF VILLAGE - PURANDAR, P.S. - MADHUBAN,
DISTRICT - EAST CHAMPARAN
2. MANOJ PRASAD SON OF RAMAYODHYA BHAGAT RESIDENT OF
VILLAGE - PURANDAR, P.S. - MADHUBAN, DISTRICT - EAST
CHAMPARAN
3. MISHIRIYA DEVI @ RANI DEVI WIFE OF RAJ KISHORE PRASAD
RESIDENT OF VILLAGE - PURANDAR, P.S. - MADHUBAN,
DISTRICT - EAST CHAMPARAN
4. SANGITA DEVI @ SOBHA DEVI WIFE OF BRAJ KISHORE @ NAWAL
RESIDENT OF VILLAGE - PURANDAR, P.S. - MADHUBAN,
DISTRICT - EAST CHAMPARAN
5. SITA DEVI WIFE OF PAPPU PRASAD RESIDENT OF VILLAGE -
PURANDAR, P.S. - MADHUBAN, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mrs. Rashmi Jha, learned counsel for the

petitioners and the State.

2. The petitioners are apprehending their arrest in
connection with Madhuban P.S. Case no. 394 of 2023 for the
offence under sections 341, 323, 324, 307, 504, 506, 34 of the
I.P.C. lodged on 14.08.2023 by the informant, Chandan Kumar.

3. As per the prosecution story, the allegation is that in
the morning, while the informant was going home, the petitioner



no. 1, Raj Kishor Prasad as also other accused persons intercepted him, the petitioner no. 2, Manoj Prasad snatched Rs. 15,000/- from his back pocket thereafter, they started assaulting him. In the process, the petitioner no. 1, Raj Kishor Prasad gave 'dabiya' blow causing head injury. He was rushed to the hospital followed by the FIR.

4. Learned counsel for the petitioners tried to impress upon this Court that the allegations are omnibus in nature and injury has been found to be simple.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer stating that specific allegation is against petitioner no. 1, Raj Kishore Prasad that he gave 'dabiya' blow on the head.

6. Taking into account the submissions put forward by the parties, so far as the petitioner no. 1, Raj Kishore Prasad is concerned, his anticipatory bail application stands rejected.

7. Regarding the petitioner nos. 2 to 5 namely, Manoj Prasad, Mishiriya Devi, Sangita Devi and Sita Devi, there is omnibus allegation against them, FIR lodged and ultimately, will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 2 to 5 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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 394 of 2023 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 petitioner nos. 2 to 5 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 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 2 to 5 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 nos. 2 to 5 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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