

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5142 of 2024

Arising Out of PS. Case No.-668 Year-2023 Thana- BRAHMPUR District- Buxar

1. Chandan Kumar Yadav S/o Laxman Yadav R/o Village - Chakki Laxman Dera, P.S. - Brahmpur (Chakki O.P.), District - Buxar
2. Vikash Yadav S/o Laxman Yadav R/o Village - Chakki Laxman Dera, P.S. - Brahmpur (Chakki O.P.), District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Brahampur Chakki O.P. P.S. Case No. 668 of 2023 registered under Sections 341, 323, 307 and 34 of the Indian Penal Code lodged on 07.11.2023 by the informant, Ranjit Kumar Yadav.

3. As per the prosecution story, the informant alleged that when he had gone to his field, the accused persons which include the aunt of the informant assaulted him. As he fell down and fainted, the villagers took him to the hospital. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that though both the informant and the petitioners are family members/agnate, FIR has been lodged and exaggerated allegation has been made and as would be perused from Annexure-P/2 which is the injury report to show that two of the injuries have been found to be simple in nature while another injury, opinion was reserved. It is his further submission that since the informant is cousin of the two petitioners, irrespective of the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000 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 informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the learned Sessions Judge opined the injury to be grievous.

6. To this, learned counsel for the petitioner submits that a bare perusal of Annexure P/2 would show that the grievous word is missing from it.

7. Taking into account the aforesaid facts as also that



both are young boys of 18-19 years, are students, they do not have criminal antecedent and will be facing the investigation/trial, this Court is inclined to extend them the privilege of bail.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Brahmpur Chakki O.P. P.S. Case No. 668 of 2023 subject to condition 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 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 their 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 the bail bonds.

(Rajiv Roy, J)

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