

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7816 of 2024**

Arising Out of PS. Case No.-291 Year-2023 Thana- ASHTHAWAN District- Nalanda

1. Anshu Kishor SON OF ANIL PRASAD @ ANIL KUMAR @ ANIL MAHTO RESIDENT OF VILLAGE- RAJWAN (RAJAWAN), PS- ASTHAWAN, DIST- NALANDA
2. GAURAV PATEL SON OF ANIL PRASAD @ ANIL KUMAR @ ANIL MAHTO RESIDENT OF VILLAGE- RAJWAN (RAJAWAN), PS- ASTHAWAN, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar, Advocate  
For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      17-02-2024                      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Asthawan P.S. Case No. 291 of 2023 for the offence under sections 147, 149, 341, 323, 307, 504, 506 of the I.P.C. and 27 of Arms Act lodged on 09.11.2023 by the informant, Tara Devi.

3. As per the prosecution story, the informant has alleged that a quarrel took place between Anil Mahto and her husband due to land dispute which resulted into her husband going to jail. On 09.11.2023, while she was at home alongwith her daughter, the accused persons including the petitioner came and after abusing them, broke the doors using bricks and



shouted to kill them if they came out. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that due to enmity, this case has been lodged, though there is allegation of abuse and breaking of the doors as also firing, the same are omnibus in nature and they have no role to play in the matter. Further submission is that without accepting the allegation, the petitioners intend to deposit Rs. 5,000/- each with the Patna High Court Legal Services Committee.

6. Learned counsel for the petitioner, Mr. Pankaj Kumar further submits that he on his own would like to contribute to the Patna High Court Legal Services Committee by paying Rs. 200/-.

7. Learned APP opposes the prayer stating that they tried to create fear the informant.

8. Taking into account the submissions put forward by the learned counsel for the parties as also that there is omnibus allegation of abuse and opening of fire, FIR lodged and they will ultimately have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5,000/- each as also Rs. 200/- 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 J.M. 1<sup>st</sup> Class, Nalanda at Biharsharif, in connection with Asthawan P.S. Case No. 291 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 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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