

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9025 of 2024

Arising Out of PS. Case No.-111 Year-2021 Thana- BHARGAMA District- Araria

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KAMLESHWARI YADAV (KAMAL) SON OF LATE BANWARI YADAV
RESIDENT OF VILLAGE - RAGHUNATHPUR SOUTH, WARD NO.12,
P.S. - BHARGAMA, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Mr. Durgesh Nandan, learned Counsel for the

petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhargama P.S. Case No. 111 of 2021 for the offence registered under sections 341, 323, 325, 326, 379, 504 and 34 of the Indian Penal Code lodged on 22.07.2021 by the informant Maheswari Yadav.

3. As per the prosecution story, the informant alleged that while he was doing field working along with his wife, the accused persons who are own brother came and the order of this petitioner, he was assaulted. The allegation against this petitioner is also of giving ‘*lathi*’ blow to the informant, causing injury. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that there is inordinate delay of six days in lodging of the FIR inasmuch as the occurrence is alleged to have taken place on 16.07.2021 whereas the FIR was lodged on 22.07.2021. Further, the injuries are not on vital part (hand) though the Doctor has opined to be grievous.

5. 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 petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 20,000/- 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.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the injury on the hand has been found to be grievous in nature and cognizance has not been taken under section 307 of the Indian Penal Code rather section 326 and 379 of the Indian Penal Code.

7. Taking into account the submissions put forward by the parties as also that the petitioner do not have criminal antecedent, there is delay in lodging of the FIR, this Court is



inclined to extend him privilege of anticipatory bail subject to payment of Rs. 20,000/- as stated above.

8. Let the petitioner 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 Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No. 111 of 2021 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 petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 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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