

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10445 of 2024

Arising Out of PS. Case No.-537 Year-2023 Thana- TEKARI District- Gaya

1. Tutu Kumar @ Rajesh Kumar Son of Pravin Ram R/o vill - Panchmahala, P.S. - Tekari, Distt. - Gaya
2. Barhan Ram @ Badan Ram Son of Amrit Ram R/o vill - Panchmahala, P.S. - Tekari, Distt. - Gaya
3. Sarup Ram @ Ramswarup Ram Son of Bullu Ram R/o vill - Panchmahala, P.S. - Tekari, Distt. - Gaya
4. Satish Ram @ Satish Kumar Son of Badhan Ram R/o vill - Panchmahala, P.S. - Tekari, Distt. - Gaya
5. Rekha Devi W/o Satish Ram @ Satish Kumar R/o vill - Panchmahala, P.S. - Tekari, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Raj Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Tekari P.S. Case No. 537 of 2023 for the offence registered under sections 341, 323, 307, 324, 379, 504, 325, 506 and 34 of the Indian Penal Code lodged on 07.09.2023 by the informant Buchchan Yadav.

3. As per the prosecution story, the informant alleged that the petitioner no. 1, Tutu Kumar @ Rajesh Kumar was



singing filthy song at his door. Upon objection, the accused persons assembled or assaulted which cause injury to his wife on her head, they also snatched gold ornaments. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that a bare perusal of the FIR would show that on minor issue, the exaggerated FIR has been lodged in which the entire family members have been implicated and none of the petitioners have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the submissions put forward by the parties as also the fact that omnibus allegation has been made against the accused persons, they do not have criminal antecedent and it includes the lady also, this Court is inclined to extend them privilege of anticipatory bail.

7. 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 Court of A.C.J.M., 6th, Gaya in connection with Tekari P.S. Case No. 537



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 their *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 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;

(iv) 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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