

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10172 of 2024

Arising Out of PS. Case No.-474 Year-2023 Thana- LAXMIPUR District- Jamui

1. Santosh Kumar @ Shubham Kumar @ Santosh S/o- Raj Kumar Yadav Village- Rajan Bandh (Sewa) PS- Giddhaur Dist-Jamui
2. Chhotu Yadav @ Chhotu @ Chhotu Kumar @ Subham son of Raj Kumar Yadav Village- Rajan Bandh (Sewa) PS- Giddhaur Dist-Jamui
3. Manoj Yadav son of Parmeshwar yadav Village- Govindpur Ps- Jhajha Dist-jamui
4. Suraj Yadav @ Suraj Kumar Yadav @ Suraj Kumar son of parmashwar Yadav Village- Govindpur Ps- Jhajha Dist- jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Laxmipur (Giddhaur) P.S. Case No. 474/2023 instituted under Sections 341, 323, 324, 379, 354B, 307, 504/34 of the Indian Penal Code lodged on 27.10.2023 by the informant, Kaushalaya Devi.

3. As per the prosecution story, the informant alleged that while her brother-in-law (devar) was clearing his field, the accused persons came and the allegation is that one Raj Kumar Yadav gave sword blow to her brother-in-law causing injury in his left hand. When her husband, Upendra Yadav came to rescue, the allegation against petitioner no. 2 is of giving rod



blow causing injury on his chest. As the informant ran to save her husband, the petitioner no. 1 gave 'axe' blow causing injury on her right hand. As the villagers took them to the hospital and later, she was returning home, allegation is that petitioner nos. 3 and 4, the brothers-in-law of Raj Kumar Yadav came and threw the household articles from the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the allegation is against Raj Kumar Yadav of causing injury to Ravindra Yadav, the informant's brother-in-law. It is his further submission that though the informant has alleged that the petitioner no. 2 gave rod blow to her husband on his chest, no such injury has been found on him and it has been categorically submitted by him that there is no injury on the informant's husband, Upendra Yadav. Further, against petitioner no. 1, allegation is of giving 'axe' blow on her right hand which has been found to be simple in nature.

5. Learned APP opposes the prayer stating that there is nothing on record to show that Upendra Yadav has not sustained injury.

6. Though this Court is in line with the learned APP, in view of the categorical statement made by learned counsel for the petitioner that no injury has been found on Upendra Yadav,



the anticipatory bail application of petitioner no. 2, Chhotu Yadav is allowed with the condition that if the concerned Court found that Upendra Yadav has sustained injury, the relief being granted to him will stand rejected.

7. So far as the petitioner no. 1, Santosh Kumar @ Shubham Kumar is concerned, the injury inflicted on informant has been found to be simple in nature and he do not have criminal antecedent. Similarly, the allegation against petitioner no. 3, Manoj Yadav and petitioner no. 4, Suraj Yadav is that they were throwing the household items when the informant was returning from hospital and they do not have criminal antecedent. In that background, the anticipatory bail application of petitioner no. 1, Santosh Kumar, petitioner no. 3, Manoj Kumar and petitioner no. 4, Suraj Yadav are also allowed.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Laxmipur (Giddhaur) P.S. Case No. 474/2023 to the satisfaction of learned Chief Judicial Magistrate, Jamui subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other



conditions.

(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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