

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13581 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- IMAMGANJ District- Gaya

1. Ambika Pathak S/o Akhileshwar Pathak R/o Vill - Jamuna, P.S. - Imamganj, Dist.- Gaya
2. Chandra Shekhar Pathak @ Shekhar Pathak S/o Ambika Pathak R/o Vill - Jamuna, P.S. - Imamganj, Dist.- Gaya
3. Lilawati Devi W/o Ambika Pathak R/o Vill - Jamuna, P.S. - Imamganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in connection with Imamganj P.S. Case No. 124 of 2023 registered under Sections 307, 379, 341, 323, 324, 504 and 506/34 of the Indian Penal Code lodged on 17.05.2023 by the informant, Sridhar Pathak.

3. As per the prosecution story, the informant alleged that due to land dispute, on the particular day, he was pouring water on the newly constructed wall, the accused persons assaulted causing injury on his head. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that though the injury has been found to be grievous, the entire family members



have been roped in, *inasmuch* as beside the petitioner no. 2, Chandra Shekhar Pathak @ Shekhar Pathak, the parents Ambika Pathak and Lilawati Devi, who are aged persons (petitioner nos.1 & 3 respectively) have also been roped in.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail that they formed unlawful assembly and assaulted the informant.

6. Taking into account the allegation that has come, the injury which has been found to be grievous, it would be appropriate that the petitioner no. 2, Chandra Shekhar Pathak @ Shekhar Pathak, seek bail.

7. Accordingly, the anticipatory bail of petitioner no. 2, Chandra Shekhar Pathak @ Shekhar Pathak stands rejected.

8. So far as petitioner nos. 1 and 3, namely Ambika Pathak and Lilawati Devi are concerned, though the allegation is more or less similar to the petitioner no. 2, taking into account the fact that they do not have criminal antecedent and are old parents of the petitioner no. 2, this Court is inclined to grant them privilege of anticipatory bail.

9. Let the petitioner no. 1 Ambika Pathak and petitioner no. 3, Lilawati Devi,, 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, Sherghati, Gaya in connection with Imamganj P.S. Case No. 124 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 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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