

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9485 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

1. Hanuman Ram S/O Tiwari Ram
2. Jira Devi W/O Tiwari Ram
3. Anshu Kumar
4. Ankur Kumar
5. Babloo Kumar
Sl.Nos.3 to 5 are S/O Bahadur Ram
6. Gita Devi W/O Bahadur Ram
7. Bahadur Ram S/O Late Biju Ram
All R/V- Bhelama, Ps.- Kudra, Distt. Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra, Advocate
For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Rakesh Kumar Mishra, learned counsel for

petitioners and Mrs.Anita Kumari, learned Additional Public

Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Kudra P.S.Case No. 416 of 2023, FIR dated
02.11.2023, registered for the offences punishable under
Sections 447,147,148,323,325,354,379,504 of IPC.

3. According to FIR, the informant alleged that the
petitioners having armed with lathi, danda and iron rod came at



the door of the informant, started hurling abuses to which the informant objected upon which the petitioners started assaulting the informant as a result she became naked and when the family members of the informant came forward to save him petitioner No.01 inflicted blow by rod on the head of her husband while petitioner No. 02 is specifically alleged to have snatched away gold locket from the neck of the informant.

4. Learned counsel for the petitioners submits that petitioner No.4 carries one more case other than the present one and petitioner Nos.1,2,3,5,6 and 7 have clean antecedent. They have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against petitioner Nos.2 to 7 rather there is general and omnibus allegation against petitioner Nos.2 to 7 and there is specific allegation of assault attributed against petitioner No.1 that he assaulted to the husband of the informant, although they have annexed the injury report of Rajesh Kumar, who is husband of the informant, the injury report of Rajesh Kumar, which is quoted hereunder:

1. Lacerated wound on head 1/4"x 1/4"
2. Pain in left foot.
3. Pain in right thumb (X-ray of right thumb)
4. Pain in low back left side.



Mark of identification-A mole on right palm.
Time of injuries -Approx 2 hrs.
Nature of injuries -Above injuries are caused by
hard & blunt substance.
Opinion reserved.

(Signature)
Dr. Anu Kumari
Medical Officer
COMMUNITY HEALTH CENTRE
KUDRA, KAIMUR

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of petitioners and submits that there is direct and specific allegation against the petitioner that they assaulted to the informant and her family members.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Mohania, Kaimur in connection with Kudra P.S.Case No. 416 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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