

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10081 of 2024

Arising Out of PS. Case No.-808 Year-2023 Thana- BANKA District- Banka

-
1. BACHHI DEVI W/O- LATE PRAFULLA MANDAL R/O- VILLAGE-
TELIA, P.S.- BANKA, DIST.- BANKA.
 2. JITENDRA KUMAR S/O- LATE PRAFULLA MANDAL R/O- VILLAGE-
TELIA, P.S.- BANKA, DIST.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, 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 Banka P.S. Case No. 808 of 2023 registered under Sections 341, 323, 504, 506 and 308/34 of the Indian Penal Code lodged on 07.12.2023 by the informant, Sri Kant Prasad.

3. As per the prosecution story, the allegation is that when he was going outside the house to feed his cow, the accused persons stopped and later resorted to assault. Allegation against Guddu Kumar is of giving ‘*khanti*’ blow which hit his head, the petitioner no. 2 assaulted on the body. Thereafter, the



FIR lodged.

4. Learned counsel for the petitioners submit that so far as the lady is concerned, only allegation is of intercepting him, they are related, *inasmuch* as the informant is '*bhabhi*' of the injured. Specific allegation is against Guddu Kumar of giving '*khanti*' blow. The assault by the petitioner no. 2 have been found to be simple in nature and they do not have criminal antecedent.

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

6. Taking into account the aforesaid submissions put forward by the parties as also that they do not have criminal antecedent, the injury inflicted by the petitioners have found to be simple in nature, this Court is inclined to grant him privilege of anticipatory bail.

7. 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 808 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 petitioner no.2, Jitendra Kumar shall appear before the concerned police station every fortnight for next six months to mark 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 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)

Jagdish/-

U		T	
---	--	---	--

