

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13587 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- JALALPUR District- Saran

-
1. Kaushlendra Kumar Singh @ Kaushalendra Singh S/o Bijendra Singh R/o vill - Balua, P.s. - Jalalpur, Distt. - Saran (Chapra)
 2. Bijendra Singh S/o Late Chandrama Singh R/o vill - Balua, P.s. - Jalalpur, Distt. - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard Mr. Brij Kishore Mishra, learned Counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Jalalpur P.S. Case No. 248 of 2023 for the offence registered under sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code lodged on 21.09.2023 by the informant Brij Kishore Singh.

3. As per the prosecution story, the informant alleged that his brother had gone for clearing the grass when it is alleged that one Lavkush Singh @ Lakku Singh gave knife blow to him. The said assailant also assaulted his brother, Kishan Kumar @ Golu. There is allegation against the other accused persons of assault. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that though allegation of having variously armed is/are against the



petitioners herein, specific allegation is against Lavkush Singh @ Lakku of having assaulted the informant as also the family of the informant, namely, Kishan Kumar @ Lakku and they do not have criminal antecedent. Further, a counter version is also there vide Jalalpur P.S. Case No. 249 of 2023.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that armed variously all the accused persons assaulted the informant's side.

6. Taking into account the submissions put forward by the parties as also that both the assault theory has been assigned to Lavkush Singh @ Lakku, the petitioners do not have criminal antecedent, 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 Additional Chief Judicial Magistrate-13th, Chapra, District-Saran in connection with Jalalpur P.S. Case No. 248 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 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 their bail bonds.

(Rajiv Roy, J)

Neha/-

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

