

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.16440 of 2024

Arising Out of PS. Case No.-607 Year-2023 Thana- BUXAR District- Buxar

1. Munmun Prasad Son of Late Suraj Prasad Resident of Mohalla- Sohanipatti ward no. 27, Buxar, P.S.- Buxar Town, District- Buxar
2. Poonam Rani @ Kumari Poonam Rani Wife of Munmun Prasad Resident of Mohalla- Sohanipatti ward no. 27, Buxar, P.S.- Buxar Town, District- Buxar
3. Mamta Devi Widow of Late Radha Krishna Prasad Resident of Mohalla- Sohanipatti ward no. 27, Buxar, P.S.- Buxar Town, District- Buxar
4. Kumari Dharvi @ Lali @ Dharvi D/o Late Radha Krishna Prasad Resident of Mohalla- Sohanipatti ward no. 27, Buxar, P.S.- Buxar Town, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Buxar Town P.S. Case No. 607 of 2023 for the offence registered under sections 341, 323, 307, 379 and 34 of the Indian Penal Code lodged on 03.11.2023 by the informant, Puja Kumari.

3. As per the prosecution story, the allegation is that when the informant asked his elder brother (petitioner no. 1) and sisters-in-law (petitioner nos. 2 and 3) to vacate the house which was allotted to him 10 years ago by Lok Adalat, was assaulted, causing injury. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that there is a case and counter cases, both are family members,



scuffle took place which has been exaggerated, three of them are ladies and further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner no. 1, Munmun Prasad on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation of assault to his own brother is there.

6. Taking into account the fact that there is case and counter case, all are family members, three of them are ladies, petitioner no. 1 himself is 72 years old, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 10,000/-, as stated above.

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 Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 607 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 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;

(iv) 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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