

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16144 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- KANTI District- Muzaffarpur

1. Baby Kumari @ Baby Rani Wife of Pawan Kumar Resident of Village- Shahpur, P.O.- Vishundutta, P.S.- Kanti, District- Muzaffarpur
2. Pawan Kumar Son of Late Roop Narayan Sah Resident of Village- Shahpur, P.O.- Vishundutta, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kanti P.S. Case No. 386 of 2023 for the offence under sections 341, 323, 324, 326, 307, 379, 504, 506 and 509 of the I.P.C. lodged on 29.05.2023 by the informant, Pawan Kumar.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came, hurled, abused and threatened them to vacate the house failing which will have to face the consequences. As the informant's daughter was making the video of the incident, they became angry, assaulted and snatched the mobile as also the gold ornament. On the later



part, it has been alleged that Harendra Kumar gave sword blow on the hand of the informant causing injury. Pawan Kumar gave injury by '*lathi*' again causing injury on the shoulder and head. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that though there is no allegation against petitioner no. 1, Baby Kumari save and except that she was abusing, allegation of assault by '*lathi*' is on Pawan Kumar but the injury of Harendra Kumar on the informant has been found to be simple in nature. The further submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer stating that so far as petitioner no. 2 is concerned, allegation of assault is on him.

6. Taking into account the submissions put forward by the parties as also the fact that there is no specific allegation against Baby Kumari and further, though allegation of assault is on petitioner no. 2, as per the categorical statement made by the learned counsel for the petitioners that the injury has been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. However, contrary to the submissions, if it is found



that the injury inflicted by petitioner no. 2 is found to be grievous, the order with regard to him shall be deemed to have seized. The concerned Court shall get the injury report checked before granting relief to the petitioner no. 2.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, West Muzaffarpur, in connection with Kanti P.S. Case No. 386 of 2023 subject to the conditions 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 the 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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