

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16300 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- TARAIIYA District- Saran

1. Manu Kumar @ Monu Kumar Son of Beejli Ray Resident of Village- Afzalpur, P.S.- Taraiya, Dist.- Saran
2. Sugrim Rai Son of Badri Rai Resident of Village- Afzalpur, P.S.- Taraiya, Dist.- Saran
3. Vikash Kumar Son of Mudrika Rai Resident of Village- Afzalpur, P.S.- Taraiya, Dist.- Saran
4. Niranjana Kumar Son of Paras Rai Resident of Village- Afzalpur, P.S.- Taraiya, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Taraiya P.S. Case No. 06/2024 instituted under Sections 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code lodged on 4.1.2024 by the informant, Umesh Rai.

3. As per the FIR, when his nephew was returning home, the accused persons armed variously assaulted him. He anyhow, escaped and reached home but due to the assault head suffered injury. Further, the niece was also assaulted on her head and was shifted to Sadar Hospital. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that there is case and counter case, allegations are omnibus in nature, none of them have criminal antecedents and further contrary to the statement made in the learned Sessions Judge's order, there is no injury report relating to any injury on the head of the informant. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners wants to pay Rs. 5000/- each towards their contribution to the two lawyers who died on 13.03.2024 in the Civil Court premises, Patna and the demand draft will be given in the name of District Legal Services Authority, Patna who shall in turn deliver the cheques of Rs. 5000/- each to the families of the two victim lawyers died in the transformer incident.

5. Learned APP points out that the learned Sessions Judge has observed about the injury being grievous. To this, learned counsel for the petitioners submit that the same is not on the head, as has been stated above.

6. Considering the submission put forward by the parties as also that no injury has been found in the head of the victim as alleged in the FIR, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each in turn delivered the cheques of Rs. 5000/- each to



the two victim lawyers died in the transformer incident, as stated above.

7. If however, it is found that there has been injury on the head, the order shall cease to have any effect.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Taraiya P.S. Case No. 06/2024 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and



when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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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