

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23997 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

1. Nathuni Singh Son Of Ramdhar Singh Resident Of Village- Silaudha, Ps- Kudra, Dist- Kaimur At Bhabua
2. Dhanu Singh Son Of Nathuni Singh Resident Of Village- Silaudha, Ps- Kudra, Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the Informant	:	Ms. Priti Kuwar, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2024 Heard Mr. Tribhuwan Narayan, learned counsel for the petitioners and Ms. Priti Kuwar, learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Kudra P.S. Case No. 27 of 2024 for the offence under sections 447, 323, 325, 307, 504, 34 of the I.P.C. lodged on 19.01.2024 by the informant, Baleshwar Singh.

3. As per the prosecution story, the informant was irrigating his field when allegation is that these two petitioners who are father and son as also Sanju Devi came, through the irrigation, started abusing and then allegation is that they



assaulted by tangi and gransa causing injury on the head and the hand, thereafter, he was taken to the hospital for better treatment. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that so far as the injury on the head is concerned, the same has been found to be simple in nature and the injury caused by the petitioner No.2 is on hand which is non vital part.

5. Learned counsel appearing on behalf of the informant has submitted that the hand has been fractured and the same cannot taken lightly only because it is on non vital part.

6. Taking into account the aforesaid submission as also the facts of the Court so far as the petitioner No.1 Nathuni Singh is concerned, the injury on head has been found to be simple in nature, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions. If it is found that contrary to the statement made in paragraph 3, the petitioner No.1 has criminal antecedent, this order shall become infructuous.

7. So far as petitioner No.2 is concerned, the assault made by him fractured the hand of the informant, it would be appropriate that he seek bail. The anticipatory bail application of the petitioner No.2 stands rejected.



8. Let the petitioner No.1 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 Judicial Magistrate, 1st Class, Mohania, Kaimur at Bhabhua, in connection with Kudra P.S. Case No. 27 of 2024 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 petitioner No.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner No.1 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 his bail bond by the Trial Court itself;

(iii) the petitioner No.1 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No.1 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;



(v) the petitioner No.1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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