

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24685 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- KURTHA District- Jehanabad

1. Girija Das S/o Late Feku Das R/o vill - Bithra, Bitra, Arwal, P.O. and P.s. - Kurtha, Distt. - Arwal, Bihar
2. Mukesh Kumar S/o Girija Das R/o vill - Bithra, Bitra, Arwal, P.O. and P.s. - Kurtha, Distt. - Arwal, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sri Nandan Pd. Singh, Sr. Advocate Mr. Priyanshu Ranjan, Advocate Ms. Shreya Sikha, Advocate
For the Opposite Party/s :		Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard Mr. Sri Nandan Pd. Singh, learned Senior

Counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Kurtha P.S. Case No. 389 of 2023 instituted under Sections 147, 149, 323, 307, 354, 379, 447, 504 and 506 of the Indian Penal Code lodged on 23.10.2023 by the informant, Baby Devi.

3. As per the prosecution story, the informant alleged when he was at his house, the accused persons came to the house and after abusing, the allegation against the petitioner no.1 is of hitting the informant on her head by 'Farsa' causing injury. As the brother of the informant came forward, the



petitioner no.2 used 'Kudal' causing injury in the eye. Accordingly, the FIR.

4. Learned Senior Counsel submits that though exaggerated allegation has been made, the injuries have been found to be simple in nature. Further, there is another case vide Kurtha P.S. Case No. 390 of 2023 lodged by the petitioners' side. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer stating that as per the allegation use of 'Farsa' and 'Kudal' have been made.

6. Taking into account the aforesaid facts/submissions as also there is case and counter case, injury has been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5000/- each by both the petitioners as undertaken by the learned counsel for the petitioner(s) to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.



7. 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 Kurtha P.S. Case No. 389 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Arwal 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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