

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24581 of 2024

Arising Out of PS. Case No.-687 Year-2023 Thana- HISUWA District- Nawada

Mantu Kumar Son of Mahendra Yadav Resident of Village- Garai Bigha,
Police Station- Hisua, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Hisua P.S. Case No. 687 of 2023 for the offence registered under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code lodged on 09.12.2023 by the informant, Sabita Kumari.

3. As per the prosecution story, the informant who is the daughter-in-law of the family and the petitioner is the brother-in-law (*devar*) alleged that her husband is out of station for his livelihood and in the meantime, when she demanded the detergents for washing clothes, at the behest of the father-in-law, the family members assaulted and in the process, allegation against the petitioner is of giving rod blow, causing injury near



her eye. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that there was a scuffle, the lady fell down, got injury and the same has been exaggerated. She is his sister-in-law (*bhabhi*), he has all the regard and respect for her, do not have criminal antecedent.

5. 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 (s) 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.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the lady has been assaulted by this petitioner despite being the '*devar*'.

7. Taking into account the aforesaid facts, the submissions put forward by the parties as also that the injury has been found to be simple in nature, the petitioner do not have criminal antecedent, he is one of the family member, it would be expected that due regard is extended to the lady whose husband



is outside for his livelihood, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 10,000/-, as stated above.

8. Let the petitioner 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 A.C.J.M.-1st, Nawada in connection with Hisua P.S. Case No. 687 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 petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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