

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28959 of 2024

Arising Out of PS. Case No.-197 Year-2022 Thana- MADHUBAN District- East Champaran

1. Sitaram Prasad @ Sitaram Sah S/o- Late Basudev Sah Village- Madhuban Ward No. 10, Ps- Madhuban Dist- East Champaran
2. Vikky Kumar @ Vikky Sah son of Late Basudev Sah Village- Madhuban .W.No-10. Ps- Madhuban Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 197 of 2022 for the offence under sections 341, 323, 324, 307, 379, 427, 504, 506 and 34 of the I.P.C. lodged on 16.05.2022 by the informant, Gujari Devi.

3. As per the prosecution story, on minor issue, the accused persons started assaulting the informant's side. This despite the fact that there was marriage in the family of the informant. Allegation against the petitioner no.1 is that he not only pushed the lady informant, but also gave order to his brother to assault them. This followed assaulted by his brother



Raj Kumar Sah causing injury to the informant's family member. When Sima Devi came to the rescue of Raj Kumar Sah, allegation is of snatching the gold chain. As the villagers assembled, they disappeared. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that there is case and counter case and both side have been suffered injuries. The allegation of abuse pushing away the informant as also the order given is on petitioner no.1 and snatching of chain is on petitioner no.2.

5. Learned APP, on the other hand, submits that there was a marriage in the family, purposely the accused persons tried to make the ceremony sour, assaulted in which, Raj Kumar Sah sustained injury and the initiation of the entire story revolves along the petitioner no.1.

6. Taking into account the submissions as also the F.I.R., so far as the petitioner no.1 (Sitaram Prasad) is concerned, the anticipatory bail application stands rejected.

7. So far as petitioner no.2 (Vikky Kumar @ Vikky Sah) is concerned, the allegation of assault is not there, he has no criminal antecedent, this Court is inclined to extend the privilege of anticipatory bail with conditions.

8. Let the petitioner no.2 (Vikky Kumar @ Vikky



Sah) 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 C.J.M., East Champaran, Motihari, in connection with Madhuban P.S. Case No. 197 of 2022 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.2 (Vikky Kumar @ Vikky Sah) who shall provide official document to show his bona fide;

(ii) the petitioner no.2 Vikky Kumar @ Vikky Sah) 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.2 Vikky Kumar @ Vikky Sah) will appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner no.2 Vikky Kumar @ Vikky Sah) 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.2 Vikky Kumar @ Vikky Sah)
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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