

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35096 of 2024

Arising Out of PS. Case No.-1222 Year-2023 Thana- BIHTA District- Patna

1. Bittu Kumar S/o Mahendra Yadav R/o vill - Pali Halt, P.S. - Bihta, Distt. - Patna
2. Vikash Kumar S/o Mahendra Yadav R/o vill - Pali Halt, P.S. - Bihta, Distt. - Patna
3. Niranjana Kumar S/o Mahendra Yadav R/o vill - Pali Halt, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Bihta P.S. Case No. 1222 of 2023 instituted under Sections 341, 323, 325, 307, 448, 379, 504, 506, 34 of the Indian Penal Code lodged on 10.12.2023 by the informant, Binod Kumar.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and started assaulting after abuse. Allegation against Sanjeev Kumar and Bittu Kumar (petitioner no.1) is of giving iron rod blow causing injury in the head as also hand and the chest. Further, Vikash



Kumar (petitioner no.2) assaulted Raj Kumari Devi and Soni Devi, the female inmates in the house whereas the petitioner no.3, Niranjana Kumar snatched the 'Mangalsutra'. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that so far as the assault on the ladies is/are concerned which has been attributed to Vikash Kumar (petitioner no.2), the same has been found to be simple in nature while only allegation of snatching 'Mangalsutra' is against the petitioner no.3, Niranjana Kumar.

5. Learned APP Mr. Jitendra Kumar on the other hand submits that so far as the petitioner no.1, Bittu Kumar is concerned, he alongwith Sanjeev Kumar gave iron rod blow causing severe injury on the head and chest and both the hands of the informant.

6. Taking into account the aforesaid facts, so far as the anticipatory bail application of petitioner no.1, Bittu Kumar is concerned, the same is rejected.

7. So far as the petitioner nos. 2 and 3 namely Vikash Kumar and Niranjana Kumar respectively are concerned, in view of the fact that the assault assigned to Vikash Kumar have been found to be simple in nature while the petitioner no.3 has been assigned the role of snatching the 'Mangalsutra' they do not



have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that both the petitioners have criminal antecedent, the order shall become infructuous.

8. Let the petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar 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 Bihta P.S. Case No. 1222 of 2023 to the satisfaction of learned A.C.J.M.-1, Danapur 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/relative of the petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar 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 petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar shall co-operate in the investigation and make themselves available to the police as and when required;

(v) the petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar shall in no way try to induce or promise or threaten 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 petitioner no.2 Vikash Kumar and the petitioner no.3 Niranjana Kumar 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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