

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39320 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- KIUL District- Lakhisarai

Kapil Yadav @ Kapildeb Yadav Son of Late Ishwar Yadav Resident of
Village- Singhchak, P.S- Kiul, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kiul P.S. Case No. 09 of 2024 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 504 and 506 of the Indian Penal Code lodged on 13.02.2024 by the informant, Nilam Devi.

3. As per the prosecution story, the lady alleged that as she was doing her daily work, the accused persons came armed variously and after abuse, the allegation is that on the order of Manilal Yadav, accused Raj Kumar gave ‘bhala’ blow to his son Amit Kumar on the left side of the chest, causing serious injury. He fall down and became unconscious. Similar allegation is against Ravish Kumar @ Prem Pratap of having



given '*iron road*' blow to her husband, Pramod Yadav on the head, causing injury, Shiv Kumar gave '*iron rod*' blow to Kamlesh Kumar which fractured his left hand as also there is allegation of assault on his head. Subsequently, Manilal Yadav gave '*lathi*' blow to her brother-in-law, Subodh Yadav while other accused persons including this petitioner assaulted Nitesh Kumar. Accordingly, the injured were taken to the hospital and the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the specific allegation is against Ravish Kumar @ Prem Pratap, Raj Kumar, Manilal Yadav and Kamlesh Kumar. So far as this petitioner is concerned, omnibus allegation is there, there is case and counter case and the other side has also suffered injury.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though there is omnibus allegation against the petitioner, others have assaulted the informant's side.

6. Taking into account the aforesaid submissions put forward by the parties as also that so far as this petitioner is concerned, allegation is omnibus in nature, he do not have criminal antecedent and specific allegation is against Ravish



Kumar @ Prem Pratap, Raj Kumar, Manilal Yadav and Kamlesh Kumar, this Court is inclined to grant him privilege of anticipatory bail.

7. 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 Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 09 of 2024 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/her *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/her 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 his 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)

Jagdish/-

U		T	
---	--	---	--

