

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39624 of 2024**

Arising Out of PS. Case No.-8 Year-2024 Thana- TAJPUR District- Samastipur

1. ANISH KUMAR MISHRA SON OF SATISH KUMAR MISHRA Resident of Village - Malpur, P.S. - Tajpur (O.P-Halai), District - Samastipur, Bihar - 848504
2. BHOLA KUMAR SON OF ANISH KUMAR MISHRA Resident of Village - Malpur, P.S. - Tajpur (O.P-Halai), District - Samastipur, Bihar - 848504
3. RITURAJ KUMAR SON OF ANISH KUMAR MISHRA Resident of Village - Malpur, P.S. - Tajpur (O.P-Halai), District - Samastipur, Bihar - 848504

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Rana Neha Kumari, Advocate  
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      26-06-2024                      Heard Ms. Rana Neha Kumari, learned counsel for  
  
the petitioner and Mr. Uma Shankar Prasad Singh, learned APP  
  
for the State.

2. The petitioners are apprehending arrest in connection with Tajpur P.S. Case No. 08 of 2024 instituted under Sections 147, 148, 341, 323, 354, 379, 307 and 504 of the Indian Penal Code lodged on 5.1.2024 by the informant, Manish Kumar.

3. As per the prosecution story, the informant who is younger brother of the petitioner no.1 alleged that while his wife was cooking food, the accused persons came and after abuse,



the allegation is that Pinki Devi assaulted his wife with butt of the pistol while Bhola Kumar, petitioner no.2 assaulted his daughter. The allegation against petitioner no.3, Rituraj Kumar is of taking away the gold chains of the ladies as also assault. Gudiya Kumari assaulted his daughter and when the informant came to the rescue, Bhola Kumar and Rituraj Kumar also assaulted him. The injureds were taken to the primary health center which followed the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the affidavit would show that it is the father of the informant who has put this petition on affidavit. The informant tortures his father to part away with the land and failure to do so, as he lives with the petitioner no.1, entire family members have been implicated. She submits that though allegation of assault is there, there is no injury on record.

5. Learned APP though opposes the prayer for bail accepts that some of the accused against whom there was allegation of assault which is Pinki Devi, Sanjogita Kumari and Gudiya Kumari, they were granted anticipatory bail by the learned Sessions Judge, Samastipur itself. He however, submits that one of the petitioner (petitioner no.1 has criminal antecedent).



6. Taking into account the aforesaid facts/submissions put forward by the parties as also that other accused persons have been granted anticipatory bail by the learned Sessions Judge, Samastipur, injury report is not on record, this Court is inclined to extend them the privilege of anticipatory bail.

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 Tajpur P.S. Case No. 08 of 2024 to the satisfaction of learned A.C.J.M.-1st, Samastipur 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 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 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.

8. Before parting, this Court would like to put on record its word of appreciation for Ms. Rana Neha Kumari, learned counsel for the petitioner for the proper assistance rendered by her.

**(Rajiv Roy, J)**

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