

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40683 of 2024

Arising Out of PS. Case No.-542 Year-2023 Thana- BANIAPUR District- Saran

1. Deepak Prasad S/O Nand Kishore Prasad R/O VILLage- CHANDPUR P.O. HAFIZPUR P.S. BANIYAPUR DISTT SARAN AT CHAPRA
2. Narendra Kumar S/O Rambabu Prasad R/O VILLage- CHANDPUR P.O. HAFIZPUR P.S. BANIYAPUR DISTT SARAN AT CHAPRA
3. Nand Kishore Prasad S/O late Yadunath Prasad R/O VILLage- CHANDPUR P.O. HAFIZPUR P.S. BANIYAPUR DISTT SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 In this case, the anticipatory bail application of only three petitioners namely Deepak Prasad, Narendra Kumar and Nand Kishore Prasad are being considered, as the anticipatory bail of Rajesh Prasad (petitioner No. 4) already stands withdrawn vide the prayer/affirmation made by the learned counsel for the petitioner on 21.05.2024.

2. Heard the parties.

3. The petitioners are apprehending their arrest in connection with Baniyapur P.S. Case No. 542 of 2023 for the offence under Sections 147, 341, 323, 307 and 504 of the I.P.C. lodged on 20.12.2023 by the informant, Keshav Prasad.



4. As per the prosecution story, while the informant was carrying out the construction work on his private land, the accused persons assembled and allegation against Rajesh Prasad amongst other is of hitting on the head by an axe while petitioner No. 3, Nand Kishore Prasad gave blow on the shoulder with a rod. Against Krishna Prasad and Kalavati Devi allegation is/are of assaulting Sheela with a stick causing injury on his head. Later, the accused escaped. Accordingly, the FIR.

5. Learned counsel for the petitioners submit that the allegation of assault is on Rajesh Prasad whose anticipatory bail application already stands withdrawn, regarding Nand Kishore Prasad, though allegation of assaulting on the shoulder is there, the same is found to be simple in nature. The other two petitioners have only been made accused without assigning any role and the last submission is that they do not have any criminal antecedent.

6. Learned APP opposes the prayer stating that so far as the petitioner No. 3 is concerned, allegation of assault is on him.

7. Though the allegation of assault is against petitioner No. 3, the same has been found to be simple in nature, against the two other petitioners only allegation is of being part



of the assembly and none of them have criminal antecedent.

8. Taking into account, the aforesaid facts as also the submission put forward by learned counsel for the petitioner, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their 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 Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 542 of 2023 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 petitioners who shall provide official document to show their 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 appear before the concerned police station every fortnight for next six months to mark his



attendance;

(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.

(Rajiv Roy, J)

Adnan/-

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