

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40128 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- NATWAR District- Rohtas

1. Lavkush Kumar @ Bhikhar Yadav Son of Kamta Singh Resident of Vill.- Natwar, P.O.- Natwar, P.S.- Natwar, Dist.- Rohtas, Bihar - 802218.
2. Shiv Shankar Singh Son of Shivdarsh Singh Resident of Vill.- Natwar, P.O.- Natwar, P.S.- Natwar, Dist.- Rohtas, Bihar - 802218.
3. Hari Shankar Singh Son of Shiv Shankar Singh Resident of Vill.- Natwar, P.O.- Natwar, P.S.- Natwar, Dist.- Rohtas, Bihar - 802218.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Shekhar, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Natwar P.S. Case No. 48 of 2024 for the offence registered under sections 341, 342, 323, 307, 354B, 379, 504, 506 and 34 of the Indian Penal Code lodged on 23.02.2024 by the informant Hila Lal Singh.

3. As per the prosecution story, the informant alleged that Kamta Singh abused the informant's daughter-in-law and upon objection, he outraged her modesty. Later, these petitioners assaulted the informant and his son, causing injury on the head, leg and back. As the villagers assembled, they escaped. This followed the F.I.R.

4. Learned Counsel for the petitioners submit that there is case and counter case, the case of the petitioner being



earlier to it having being lodged on 21.02.2024. Further, though the allegation of assault against these petitioners, the injuries have been found to be simple in nature as per the order dated 18.04.2024 of the learned Sessions Judge. The last submission is that they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation against all of them is of assault.

6. Taking into account the aforesaid submissions as also the fact that the omnibus allegation of assault is there, case and counter case are there, injury has been found to be simple in nature and they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners 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 Additional Chief Judicial Magistrate, Bikramganj (Rohtas) at Sasaram in connection with Natwar P.S. Case No. 48 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



members/relatives 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 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 their 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)

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