

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39302 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SULTANGANJ District- Bhagalpur

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1. Ankesh Kumar Son of Binod Yadav @ Chulho Yadav Resident of village - Bisauni, P.S.- Sultanganj, District - Bhagalpur.
 2. Binod Yadav @ Chulho Yadav Son of Kulo Yadav Resident of village - Bisauni, P.S.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Sultanganj P.S. Case No. 55 of 2024 instituted under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code lodged on 9.2.2024 by the informant, Roushan Kumar.

3. As per the prosecution story, the informant who has lodged the FIR while undergoing treatment at Jawaharlal Nehru Medical College and Hospital, Bhagalpur alleged that on the issue of throwing cow dung, the accused persons came, surrounded and while petitioner no.2 caught hold of him, petitioner no.1 who is his son gave iron rod injury on the nose



causing huge bleeding. He was rushed to Referral hospital and then to the Jawaharlal Nehru Medical College and Hospital, Bhagalpur. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case. The injury is on the petitioners' side also and the informant's husband (petitioner no2) was also injured.

5. Learned APP opposes the prayer submitting that so far as the petitioner no.1 is concerned, the assault made by him caused severe injury to the informant on his nose for which he was rushed to the hospital.

6. Taking into account the aforesaid facts, so far as the petitioner no.1, Ankesh Kumar is concerned, his anticipatory bail stands rejected.

7. Regarding the petitioner no.2, Binod Yadav, taking into account that he too was injured in the counter case, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner no.2, Binod Yadav be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Sultanganj P.S. Case No. 55 of 2024 to the satisfaction of learned A.C.J.M.-I, Bhagalpur 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 petitioner no.2, Binod Yadav who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2, Binod Yadav 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 bail bond by the Trial Court itself;

(iii) the petitioner no.2, Binod Yadav shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no.2, Binod Yadav shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner no.2, Binod Yadav 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;



(vi) the petitioner no.2, Binod Yadav shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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