

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40139 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- MAHARAJGANJ District- Siwan

Amit Prakash @Amit Kumar SON OF MUNGALAL PRASAD VILLAGE-
PASNAULI, NAYA BAZAR, PS- MAHARAJGANJ, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard Mr. Radha Mohan Singh, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Maharajganj P.S. Case No. 87 of 2024 for the offence under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the I.P.C. lodged on 16.03.2024 by the informant, Ganesh Yadav.

3. As per the prosecution story, the informant alleged that when he was returning home alongwith his younger brother after closing the shop, the accused persons came and assaulted them. So far as this petitioner is concerned, there is allegation of assault by sword on his head, causing injury. Anand Kumar gave knife blow on the head on his brother which actually made cut injury on his hand. He also snatched Rs. 25,000/- from his



pocket and allegation against the lady Mira Devi is of having caused injury to Panna Lal. The informant and his brothers were shifted Sadar Hospital, Siwan which followed the FIR.

4. Learned counsel for the petitioner has taken this Court to the injury report to show that the same has been opined to be simple in nature. It is his submission that there is case and counter-case, the petitioner has also suffered injuries and he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that allegation of assault on the head is on the petitioner.

6. Taking into account the aforesaid facts/submission of the learned counsel for the petitioner as also the fact that the injury has been found to be simple in nature and there is case and counter-case and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of 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 ACJM-VI, Siwan in connection with Maharajganj P.S. Case No. 87 of 2024 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/relative 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 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 his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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