

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39881 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

1. Anil Rai @ Anil Kumar Son of Vilash Rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar
2. Sanjiv Kumar Son of Manibhushan Rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar
3. Sanjiv Kumar @ Sandip Kumar Son of Umesh Rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar
4. Manibhushan Rai @ Manibhushan Yadav Son of Late Satahu Rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar
5. Kishori Rai @ Kishor Rai Son of Virbal Rai @ Devalal rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar
6. Randhir Kumar Son of Manibhushan Rai Resident of village - Narwara, P.S. Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddinm, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Tariyani P.S. Case No. 06 of 2024 for the offence under Sections 447, 341, 323, 324, 307, 354 and 504/34 of the I.P.C. lodged on 07.01.2024 by the informant, Virikhiya Devi.

3. As per the prosecution story, in a minor issue relating to children, the elders came in and the allegation is that



after Umesh Rai started abusing, the lady inmates also came and later Deepak Kumar, Sanjeev Kumar and Ajay Kumar assaulted the daughter Sundar Kumari and grand-daughter Muskan Kumari causing injuries on their head. They also assaulted the informant and her sister-in-law Sushila Devi. Later, they were taken to S.K. Medical College and Hospital, Muzaffarpur which followed the FIR.

4. Learned counsel for the petitioners submit that against other petitioners, omnibus allegation is there, so far as petitioner No. 3 (Sanjiv Kumar) and petitioner No. 5 (Kishori Rai) are concerned, though allegation of assault is/are there, the injuries are found to be simple in nature. Further, there is a counter-case, they are agnates and a minor scuffle resulted into all this issue. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute towards the medical assistance of Rs. 2,500/- each (totalling Rs. 15,000/-) which will go to the two injured Sundar Kumari and Muskan Kumari through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after



checking the credentials.

5. Learned APP opposes the prayer stating that all of them assaulted the informant's side. He submits that though counter-case is there, the allegation of injuring the daughter and grand daughter is there.

6. Though there is allegation of assault, the injuries have been found to be simple in nature, there is a counter case, none of the petitioners have criminal antecedent in that background, this Court is inclined to grant them privilege of anticipatory bail with conditions subject to payment of Rs. 2,500/- each (totalling Rs. 15,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

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, Sheohar in connection with Tariyani P.S. Case No. 06 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 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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