

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39996 of 2024

Arising Out of PS. Case No.-573 Year-2023 Thana- FATUA District- Patna

1. Jagat Prasad S/o Nanhak Yadav R/o Bhikua, P.S.-Fatuha, District-Patna
2. Bhusundi Yadav @ Santosh Kumar S/o Sadan Yadav R/o Bhikua, P.S.-Fatuha, District-Patna
3. manish kumar @ Manish Yadav s/o Jagat Prasad R/o Bhikua, P.S.-Fatuha, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, 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 Fatuha P.S. Case No. 573 of 2023 for the offence punishable under sections 341, 323, 307, 504/34 of the I.P.C. lodged on 27.07.2023 by the informant, Manju Devi.

3. As per the prosecution story, the informant alleged that while she was in conversation with her husband, the accused persons came and the petitioner no. 3 caught hold of her husband. The allegation is that petitioner no. 2 gave iron rod blow causing injury on his head after verbal abuse, the accused reiterated which followed the FIR.

4. Learned counsel for the petitioners submit that in the short FIR which also followed FIR by the petitioner side. There is allegation of assault on petitioner no. 2. So far as other



two petitioners are concerned, there is allegation of having caught hold of the informant's husband by petitioner no. 3. There is no role has been attributed to the petitioner no. 1 save and except his presence, none of them have criminal antecedent.

5. Learned APP opposes the prayer submitting that there is specific allegation against petitioner no. 2 having assaulted the informant's husband causing injury on head.

6. Taking into account the aforesaid submissions, so far as the petitioner no. 2 is concerned, his anticipatory bail stands rejected.

7. So far as petitioner nos. 1 and 3 (Jagat Prasad and Manish Kumar) are concerned, taking into account the submissions that has put forward by the parties as also the fact that they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 1 and 3 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-1, Patna City in connection with Fatuha P.S. Case No. 573 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/relative of the petitioner nos. 1 and 3 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 1 and 3 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 nos. 1 and 3 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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