

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40488 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- MANJHI District- Saran

1. Lakshman Prasad @ Lakshuman Prasad S/o Gulab Chandra Prasad R/o Manjhi Thana Bazar, Manjhi, Saran
2. Suresh Prasad S/o Late Prabhu Prasad R/o Manjhi Thana Bazar, Manjhi, Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Afham Akhtar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Manjhi P.S. Case No. 348 of 2023 for the offence under Sections 341, 323, 324, 325, 307, 337, 504, 506 and 34 of the I.P.C. lodged on 01.12.2023 by the informant, Arun Kumar.

3. As per the prosecution story, the informant alleged that as there was a marriage in the family, he just requested the accused side to clear the area of cow dung, they instead abused and assaulted. The allegation against the accused Anil Prasad, Jitendra Prasad is/are of assault as also causing injuries on the head/fracture in the thumb of the informant. They further threatened of dire consequences. The video of the said occurrence is present with the informant who was shifted to Sadar Hospital, Chapra. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there



is case and counter-case, due to minor issue, the alleged occurrence took place, there case being earlier one, the main allegation was against Kanchan Prasad, Anil Prasad and Jitendra Prasad who subsequently have been arrested. Though the other accused/petitioners are named, no overt act attributed to them and the last submission is that some other accused persons excluding Kanchan Prasad, Anil Prasad, Jitendra Prasad and Sanjay Prasad have been extended relief in the case of Bhagwan Ji Prasad & Ors. (Cr. Misc. No. 32142 of 2024) on 22.05.2024.

5. Let same be kept on record.

6. Learned APP opposes the prayer stating that though there is case and counter-case, allegation of assault/injuries are there.

7. Taking into account the fact that the allegation is mainly on Anil Prasad, Jitendra Prasad and Kanchan Prasad, though these petitioners have antecedent, no overt act attributed, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. 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 Additional Chief Judicial Magistrate-XI,



Chapra, Saran in connection with Manjhi P.S. Case No. 348 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 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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