

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42356 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- DARBHANGA District- Darbhanga

1. Pradeep Kumar Sah @Pradeep Sah SON OF DINANATH SAH VILLAGE- RATNOPATTI (NAWGHAT) PS- DARBHANGA SADAR, DIST- DARBHANGA
2. PRABHU SAH @ PRABHU DAYAL SARAN SAHU SON OF LATE DAYAL SAH @ DAYAL SARAN SAH VILLAGE- RATNOPATTI (NAWGHAT) PS- DARBHANGA SADAR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kanchan Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard Mrs. Kanchan Jha, learned Counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Darbhanga Sadar (Town) P.S. Case No. 377 of 2023 for the offence registered under sections 341, 323, 379, 308, 506, 504 and 34 of the Indian Penal Code lodged on 26.12.2023 by the informant, Bishweshwar Mishra.

3. As per the prosecution story, the informant alleged that on the minor issue of collision of scooty with the motorcycle, the petitioner firstly abused and later alongwith the associates assaulted him, causing injuries. The further allegation of snatching of chain is also there. Accordingly, the F.I.R.



4. Learned Counsel for the petitioners submit that both are social worker, due to minor issue, certain confusion took place, the report attached with the petition does not show that any major injury occurred with the informant, they all belong to the same place.

5. 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 petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totalling Rs. 10,000/-) 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.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that along with his associates, he thrashed the informant and further as per the F.I.R. was under intoxication.

7. Taking into account the submissions as also the fact that the no major injury is on record, both the petitioners do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/-



each (totalling Rs. 10,000/-), as stated above.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga in connection with Darbhanga Sadar (Town) P.S. Case No. 377 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 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 their 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)

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