

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41867 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- DHANARUA District- Patna

Mithilesh Prasad son of Late Ramdeo Prasad Resident of Village-
Chakramasi, Ps- Dhanarua Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nikita Mittal, Advocate
For the State : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard Ms. Nikita Mittal, learned counsel for the
petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhanarua P.S. Case No. 397 of 2023 for the offence under Sections 341, 323, 448, 379, 307, 506 and 34 of the I.P.C. lodged on 14.07.2023 by the informant, Sundar Bhushan.

3. As per the prosecution story, the informant alleged that the accused persons, on the fateful day, came and started threatening the informant's father and later, allegation is that upon opposition by him, the petitioner gave the order whereafter Vinay Kumar gave 'khanti' blow causing injury in his hand. Meanwhile, Sintu Kumar also assaulted the



informant's father with a stick which broke his right leg, allegation of taking away the money is also there and the father was referred to Patna after moving to Primary Health Center, Dhanarua and then was finally treated as Medi Mercy Hospital, Patna where he had to go through five stitches on his head. There is direct allegation of assault by 'khanti' on this petitioner and the injury suffered by the informant's father is incorporated in the FIR itself.

4. Learned counsel for the petitioner submits that the specific allegation is against Vinay Kumar of giving 'khanti' blow, while Sintu Kumar assaulted the informant with stick which resulted into his right leg being broken. So far as this petitioner is concerned, he is an elderly person and role of order giver has been attached to him which resulted into his implication. The last submission is that, he do not have criminal antecedent.

5. Learend APP for the State opposed the prayer.

6. Taking into account the aforesaid facts as also that the role has been assigned to Vinay Kumar and Sintu Kumar and he has merely been alleged to have given the order and is an elder person do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory



bail.

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 Judicial Magistrate- 1st Class, Masaudhi (Masauri), in connection with Dhanarua P.S. Case No. 397 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(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)

vinayak/-

U		T	
---	--	---	--

