

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40985 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- KIUL District- Lakhisarai

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1. SUDHIR KUMAR @ SUDHIR YADAV SO NOF MANILAL YADAV
RESIDENT OF SINGHCHAK, P.S. - KIUL, DISTRICT - LAKHISARAI
 2. PHOTO KUMAR @ PHOTO YADAV SON OF MANILAL YADAV
RESIDENT OF SINGHCHAK, P.S. - KIUL, DISTRICT - LAKHISARAI
 3. SHIV KUMAR SON OF MANILAL YADAV RESIDENT OF
SINGHCHAK, P.S. - KIUL, DISTRICT - LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-10-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kiul P.S. Case No. 09 of 2024 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 504 and 506 of the Indian Penal Code lodged on 13.02.2024 by the informant, Nilam Devi.

3. As per the prosecution story, the informant alleged that as she was doing her daily work, the accused persons came armed variously and after abuse, the allegation is that on the order of Manilal Yadav, accused Raj Kumar gave 'bhala' blow to his son Amit Kumar on the left side of the chest, causing serious



injury. He fell down and became unconscious. Similar allegation is against Ravish Kumar @ Prem Pratap of having given 'iron rod blow to her husband, Pramod Yadav on the head, causing injury, Shiv Kumar (petitioner no.3 herein) gave 'iron rod blow to Kamlesh Kumar which fractured his left hand as also there is allegation of assault on his head. Subsequently. Manilal Yadav gave 'lathi' blow to her brother-in-law, Subodh Yadav while other accused persons including Kapil Yadav assaulted Nitesh Kumar. Accordingly, the injured were taken to the hospital and the FIR.

4. Learned counsel for the petitioners submits that though the allegation of assault is against these petitioners, the injuries have been found to be simple in nature, two of the petitioners are young students, none of them have criminal antecedent, there is a counter case also and the last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners intend to pay Rs.10,000/- (Ten thousand) to the informant to be paid through the demand draft of State Bank of India in favour of the informant and submit before the concerned Court.

5. Learned APP opposes the prayer submitting that though the injuries are simple in nature but the fact remains that



they have assaulted the informant's side.

6. Considering the aforesaid submission put forward by the parties as also the fact that the injuries have been found to be simple in nature, two of the petitioners are young students, none of them has got no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail, subject to payment of Rs.10,000/- (Ten thousand) to the informant to be paid through the demand draft of State Bank of India in favour of the informant and submit before the concerned Court.

7. Let the petitioners, above named, 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 Chief Judicial Magistrate, Lakhisarai in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her 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 their 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)

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