

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42262 of 2024

Arising Out of PS. Case No.-240 Year-2022 Thana- SABAUR District- Bhagalpur

1. Shyam Ram son of Bitto @ Bittu Ram Village- Badi Dostani Ps- Sabour Goradih Dist- Bhagalpur
2. Akshay Ram @ Akshay Kumar son of Binod Ram Village- Badi Dostani Ps- Sabour Goradih Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard Mr. Praveen Kumar, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Sabour P.S. Case No. 240 of 2022 for the offence punishable under sections 341, 323, 307, 447, 354, 504, 506, 34 of the I.P.C. lodged on 27.06.2022 by the informant, Photo Devi.

3. As per the prosecution story, the informant alleged that forming unlawful assembly, the accused persons assaulted the informant side and allegation against this petitioner no. 1 is of assaulting the lady on the shoulder causing injury. When the grandson tried to intervene, he was assaulted on the leg by this



petitioner no. 1. The allegation of assault on other accused persons is also there. It is the case of the informant that the accused persons are always in intoxicated mind and are ready for scuffle anytime. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that though allegation of assault is there, the same has been found to be simple in nature and only because the petitioners could not incorporate the criminal antecedent at the time of filing petition before the learned Session Judge, it got rejected.

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 no. 1 on its own would like to contribute towards the medical assistance of 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 opposes the prayer though accept that the injuries have been found to be simple in nature.

7. Taking into account the aforesaid facts as also the fact that the injuries has been found to be simple in nature, FIR lodged and they will be facing the trial, this Court is inclined to



extend them the privilege of anticipatory bail subject to payment of Rs. 10,000/- to be paid by petitioner no. 1 as undertaken by the learned counsel for the petitioners.

8. Let the petitioners 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 CJM, Bhagalpur, in connection with Sabour P.S. Case No. 240 of 2022 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 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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