

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46023 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- EKCHARI District- Bhagalpur

1. Rajesh Kumar @ Rajesh Roushan son of Suresh Mandal Resident of Village- Chhoti Mohanpur, Ps- Ekchari Dist- Bhagalpur
2. Jitendra Mandal @ Jiendra Kumar son of Suresh Mandal Resident of Village- Chhoti Mohanpur, Ps- Ekchari Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Ekchari P.S. Case No. 80 of 2023 registered under Sections 147, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code lodged on 23.11.2023 by the informant, Pinki Devi.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and on the allegation that the informant's buffalo grazed in their field, they wanted the buffalo to be taken along with them, when this was opposed, were assaulted. When her husband came to rescue, he too was assaulted and allegation against petitioner No. 1 is of



assaulting on the head of the informant to kill her, causing injury. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case and the petitioner's case is earlier to that of the informant. Further, minor scuffle took place which has been exaggerated and the injury has been found to be simple in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault is against petitioner No. 1

6. Taking into account the submissions put forward by the parties are also the fact that there is case and counter case, the case of the petitioners being earlier one and the injury has been found to be simple in nature, this Court is inclined to grant him privilege of anticipatory bail.

7. 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 J.M. 2nd Bhagalpur in connection with Ekchari P.S. Case No. 80 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 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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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