

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48174 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- BAUNSI District- Banka

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1. Goutam Kumar S/o Umesh Singh R/o vill - Bishanpur, P.S. -Bounsi, Distt. - Banka
 2. Dharmvir Kumar @ Shubham Kumar S/o Lalu Singh R/o vill - Bishanpur, P.S. -Bounsi, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Bounsi P.S. Case No. 83 of 2024 instituted under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code lodged on 25.03.2024 by the informant, Raj Kishore Singh.

3. As per the prosecution story, the informant alleged that it was a festival of 'Holi' and as he was standing on the door, the accused persons came and tore his cloths. Upon protest, they assaulted causing injury on the head. The same assault was also made on his nephew, Deepak Kumar and further they took away the chain from him. Accordingly, the



FIR.

4. Learned counsel for the petitioners submit that there is counter case also lodged by their mother of outraging the modesty by the informant's side who were in an inebriated state. He further submits that though the injury report shows assault on the head, the same cannot be clubbed in the category of grievous injury. These two petitioners are young, students and have no criminal antecedent. The last submission is that irrespective of allegation/outcome of the present petition, the petitioners intend to contribute Rs. 5000/- each (totalling Rs 10,000/-) to the informant through Demand Draft issued by the local branch of the State Bank of India to be submitted before the 'Nazarat' of the concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer stating that though the allegation is omnibus in nature, the assault is on the head.

6. Taking into account the aforesaid submission as also the omnibus allegation is against the petitioners, they are young and do not have criminal antecedent, there is counter version also, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each (totalling Rs 10,000/-) to the informant through Demand Draft



issued by the local branch of the State Bank of India to be submitted before the 'Nazarat' of the concerned Court to be handed over to the informant after checking the credentials.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Bounsi P.S. Case No. 83 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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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