

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51385 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- GHOSI District- Jehanabad

1. UMESH MALAKAR @ UMESH KUMAR S/O LATE SAHDEO BHAGAT R/O VILLAGE- MODANGANJ, P.S- GHOSI , DISTT.- JEHANABAD.
2. NARESH MALALKAR @ RAM NARESH MALAKAR S/O LATE SAHDEO BHAGAT R/O VILLAGE- MODANGANJ, P.S- GHOSI , DISTT.- JEHANABAD.
3. MOHAN KUMAR @ MOHAN MALAKAR @ RENIT RAJ S/O UMESH MALAKR @ UMESH KUMAR R/O VILLAGE- MODANGANJ, P.S- GHOSI , DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard Mr. Sunil Kumar, learned counsel for the petitioner and the State.

2. The petitioners are apprehending their arrest in connection with Ghosi P.S. Case No. 180 of 2024 for the offence under Sections 341, 323, 504, 506, 354, 379, 307 and 34 of the I.P.C. lodged on 08.04.2024 by the informant, Umravati Devi.

3. As per the prosecution story, the informant alleged that while her daughter and son were playing with the child, the accused were moving towards their house, charged them of having teasing the father and this led to assault in which, the



informant got injured and further allegation is of removing of gold chain from the daughter. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case between the parties, their case is the earlier one, minor scuffle took place between the parties, the injury on the informant has been found to be simple in nature and the last 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 petitioners altogether on their own would like to contribute towards the medical assistance of Rs. 5,000/- 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.

5. Learned APP opposes the prayer stating that they assaulted the informant and his family members.

6. Taking into account the aforesaid submission as also that the injury has been found to be simple in nature, there is case and counter-case and the petitioners do not have any criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the



petitioners to be paid by the Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners be released on bail in the event of their 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, Jehanabad in connection with Ghosi P.S. Case No. 180 of 2024 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 their 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 his 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)

Adnan/-

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

