

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48471 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- HARSIDHI District- East Champaran

Nitish Kumar Son of Sipahi Yadav Resident of Village - Yadavpur, P.S.-
Harsidhi, District - East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachina, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Harsidhi P.S. Case No. 309 of 2023 instituted under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code lodged on 12.05.2023 by the informant, Awadhesh Yadav.

3. As per the prosecution story, the informant alleged that when he went to see the land, the allegation is that Amrendra Yadav assaulted with 'Farsa' on his head. As his brother, Nagina Prasad came to his rescue, Vidyasagar Yadav again gave 'Farsa' blow causing injury to his brother. Further allegation is on Kundeshwar Yadav, Saroj Yadav, Niranjana Yadav and Lalbabu Yadav of assaulting Arun Yadav and Vijay Yadav respectively with fist and slap and further when the injureds went to hospital for treatment, allegation against other accused persons including this petitioner is of ransacking the



house. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that assault theory has not been assigned to this petitioner and only after they moved to the hospital, the allegation is that the other accused persons ransacked the house. He submits that it is only to drag all the family members, this FIR.

5. Learned APP opposes the prayer submitting that his name has come in the FIR.

6. Taking into account the submissions put forward by the parties as also that the petitioner is 19 years of age, no no direction allegation against him, is a student and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 309 of 2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari 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 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 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 his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 the 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 his bail bonds.

(Rajiv Roy, J)

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