

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49670 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- KALER District- Jehanabad

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1. MOHAN KUMAR S/O JAMUNA RAJBANSHI @ JAMUNA RAM R/O VILLAGE- PAHARPUR, P.S- KALER, DISTT.- ARWAL.
 2. ROHAN KUMAR S/O JAMUNA RAJBANSHI @ JAMUNA RAM R/O VILLAGE- PAHARPUR, P.S- KALER, DISTT.- ARWAL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Kaler P.S. Case No. 46 of 2024 instituted under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code lodged on 27.03.2024 by the informant, Chhotan Rajwanshi.

3. As per the prosecution story, the informant alleged that while he was sitting at the door, the accused persons including these petitioners came and started abusing. As his wife came from inside, the allegation is that the accused, Rohan Kumar came and gave repeated rod blows on her head causing injury who was immediately rushed to the Primary Health



Center, Kaler which followed the FIR.

4. Learned counsel for the petitioners submit that the informant was in an inebriated stage and fell down himself which has been given the colour of assault.

5. Learned APP on the other hand submits that a bare perusal of the FIR would show that the petitioner no.2, Rohan Kumar gave repeated rod blows on the head of the informant's wife causing injury. She was rushed to the Primary Health Center, Kaler. His submission is that the informant may be in an inebriated stage, the same cannot be application to the wife who got injured.

6. Taking into account the aforesaid facts and the allegation that has come against the petitioner no.2, Rohan Kumar, his anticipatory bail application stands rejected.

7. So far as Mohan Kumar (petitioner no.1) is concerned, though the allegation of assault on the informant is there, the same is omnibus in nature, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner no. 1 Mohan Kumar be released on bail, in the event of his arrest or surrender before the concerned 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 Kaler P.S. Case No. 46 of 2024 to the satisfaction of learned C.J.M., Arwal 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 of the petitioner no. 1 Mohan Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 1 Mohan Kumar 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 no. 1 Mohan Kumar shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no. 1 Mohan Kumar shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner no. 1 Mohan Kumar 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 petitioner no. 1 Mohan Kumar 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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