

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54690 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- BASANTPUR District- Siwan

1. Vishal Kumar @ Vishal Prasad Son Of Bachcha Prasad Vill - Molnapur, P.S. - Basantpur, Dist - Siwan
2. Bajrang Kumar @ Bajrang Prasad Son Of Bachcha Prasad Vill - Molnapur, P.S. - Basantpur, Dist - Siwan
3. Brij Mohan Prasad @ Vrij Mohan Pd. Son Of Bachcha Prasad Vill - Molnapur, P.S. - Basantpur, Dist - Siwan
4. Bachacha Prasad Son Of Hari Narayan Prasad Vill - Molnapur, P.S. - Basantpur, Dist - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard learned Counsel for the petitioners, learned
APP for the State and informant.

2. The petitioners apprehend their arrest in connection with Basantpur P.S. Case No. 294 of 2024 for the offence registered under sections 341, 323, 324, 379, 307, 504, 506 and 34 of the Indian Penal Code lodged on 22.05.2024 by the informant Kunti Devi.

3. As per the prosecution story, the informant alleged that while she was sitting on the door, the accused persons came armed variously and started abusing. When this was resisted by her husband and sons, brutally assaulted. The allegation against petitioner no. 1 (Vishal Prashad) is of giving sword blow on the head of her husband causing head injury, again against petitioner no. 2 (Bajrang Prasad) is concerned, he assaulted



Umesh Kumar on the head by way of '*farsa*' while there is omnibus allegation against petitioner no. 3 (Brij Mohan Prasad) and petitioner no. 4 (Bachcha Prasad) of assaulting the informant's side. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is a dispute between the parties which led to case and counter case, and injury has been sustained by both the sides.

5. Learned counsel appearing on behalf of the informant on the other hand submits that a perusal of the FIR would show that so far as the petitioner no. 1 (Vishal Kumar) and petitioner no. 2 (Bajrang Kumar) are concerned, the injury given by them have been found to be grievous in nature.

6. At this point, learned counsel appearing on behalf of the petitioners submit that omnibus allegation is against the rest two of the petitioners namely Brij Mohan Prasad and Bachcha Prasad (petitioner no. 3 & 4 respectively) and so far as the rest of the informant side are concerned, the injuries have been found to be simple in nature.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

8. Taking into account the aforesaid facts/submissions/allegations, so far as the anticipatory bail



application of petitioner no. 1, Vishal Kumar @Vishal Prasad and the petitioner no. 2 namely Bajrang Kumar @Bajrang Prasad are concerned, the same is/are rejected.

9. So far as the petitioner no. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) is/are concerned, in view of the fact that they do not have criminal antecedent, the allegation is omnibus in nature, this Court is inclined to grant them the anticipatory bail with conditions.

10. Let the petitioner no. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) 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 Additional Chief Judicial Magistrate-X, Siwan in connection with Basantpur P.S. Case No. 294 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of petitioner no. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad), who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 3 (Brij Mohan Prasad @Vrij



Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) 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. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) 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 no. 3 (Brij Mohan Prasad @Vrij Mohan Pd.) and petitioner no. 4 (Bachcha Prasad) 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)

Vijay Singh/-

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