

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54896 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Shambhu Prasad @ Shambhu Yadav S/o Mahesh Prasad @ Mahesh Yadav R/o Haridih, P.S. - Neemchak Bathani, Distt. - Gaya
2. Pappu Yadav @ Pappu Kumar S/o Mahesh Prasad @ Mahesh Yadav R/o Haridih, P.S. - Neemchak Bathani, Distt. - Gaya
3. Prakash Yadav @ Jai Prakash Prasad @ Jai Prakash Singh S/o Late Siya Sharan Yadav @ Siya Sharan Singh R/o Haridih, P.S. - Neemchak Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Akela, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Neemchak Bathani P.S. Case No. 43 of 2024 for the offence registered under sections 341, 323, 308, 504, 506 and 34 of the Indian Penal Code lodged on 11.03.2024 by the informant Anita Devi.

3. As per the allegation, the lady alleged that as she was sprinkling water, some water went to the house of the accused persons whereafter, they started abusing and later allegation is that these petitioners assaulted causing injury on



head. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that both are agnates, on smaller issue, scuffle took place, there is case and counter case and further the injury has been found to be simple in nature. He submits that two of the petitioners (petitioner nos. 1 & 2) have no criminal antecedent while petitioner no. 3 has one criminal antecedent. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they intend to pay Rs. 3,000/- each to the informant Anita Devi.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that assault is on the head.

6. Considering the submissions as also the fact that omnibus allegation is there as per Annexure-3 which is the injury report, the same has been found to be simple in nature, there is a counter case and two of the petitioners do not have criminal antecedent, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 3,000/- each to the informant Anita Devi as undertaken by the learned counsel for the petitioners.

7. Let the petitioners 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 court of Mrs. Sipra Kumari Judicial Magistrate First Class, Gaya in connection with Neemchak Bathani P.S. Case No. 43 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 the petitioners, who shall provide official document to show his *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 his 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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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