

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54402 of 2024

Arising Out of PS. Case No.-660 Year-2023 Thana- TEKARI District- Gaya

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Ajit Kumar S/o Kishori Sao R/o Nauabigha, P.S - Tekari, Distt. - Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Tekari P.S. Case No. 660 of 2023 for the offence under Sections 341, 323, 324, 307, 506 and 34 of the Indian Penal Code lodged on 02.11.2023 by the informant, Basanti Devi.

3. As per the prosecution story, the informant alleged that the accused persons were making pillar on her plot and when this was objected by her husband Dularchand Sao and Manoj Saw, Sujit Kumar assaulted by *Khanti* on the head which make them unconscious, Govind Kumar gave *Lathi* blow to Gaurav Kumar which led to fracture of his hand, Kishori Sao gave iron rod blow to Soni Devi but she managed to dodge the assault causing injury on the foreheads, while Sujit Kumar again assaulted Jageshwari Devi causing injury. The further allegation



against Sujit Kumar is of going to home and bringing pistol to threaten them. As the villager came to their rescue, they retreated. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that though the roles have been assigned to the family members, the fact remains that his name is only incorporated in the list of accused and no role has been assigned. The further submission is that he is a young boy, having no criminal antecedent and is pursuing study.

5. Learned APP opposes the prayer submitting that the informant side has been brutally assaulted.

6. Though, the allegation of assault is there, the members have been specified, especially it is against Sujit Kumar, so far as this petitioner is concerned, save and except that his name is there in the list of the accused, no role has been assigned, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya, in connection with Tekari P.S. Case No. 660 of 2023,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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;

(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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