

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54530 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- BHAPTIAHI District- Supaul

Suryanarayan Yadav @ Sury Narayan Yadav Son of Late Satya Narayan
Yadav R/O Vill.- Chandpipar, P.s.- Bhaptiyahi, Dist.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Bhaptiyahi P.S. Case No. 92 of 2024 instituted under Sections 147, 148, 149, 341, 323, 307, 379, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 15.04.2024 by the informant, Sadanand Yadav.

3. As per the prosecution story, the informant alleged that when he was returning on his motorcycle, the accused persons intercepted and allegation is that they assaulted causing injuries. Further allegation is that Neeraj Yadav opened fire which did not hit the informant. This petitioner gave a ‘lathi’ blow which was stopped and it hit his hand causing injury. Manish Yadav gave iron rod blow to the informant while Arjun Yadav slapped on the eye, Laltu Yadav took out Rs.5,000/-.



Further allegation is that Rahul Yadav damaged his motorcycle and Ankit Chaudhari used towel to tighten his neck. As passers by came, he was saved. Thereafter he went to Primary Health Centre, Kishanpur and then to Sadar Hospital, Supaul for treatment followed by the FIR.

4. Learned counsel for the petitioner submits that the story is entirely different inasmuch as the informant tried to get away with the goat, he was chased, in the process, he fell down and further, in any case, though the allegation against this petitioner is that of assaulting on the hand, as per observation incorporated by the learned Sessions Judge, swelling has been found.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner/petitioners intends to contribute Rs.5,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India to be submitted before the NAZARAT of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer submitting that though the intention was to hit on the head, it landed on the hand where swelling took place.



7. Considering the submission as also the fact that the petitioner do not have any criminal antecedent, injury was found on the hand where swelling took place, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India to be submitted before the NAZARAT of concerned Court to be handed over to the informant after checking the credentials.

8. 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 Bhaptiyahi P.S. Case No. 92 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Supaul 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)

Ankit Kumar/-
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