

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61042 of 2024

Arising Out of PS. Case No.-152 Year-2022 Thana- SIMRA District- West Champaran

1. Sonu Kumar Kushwaha @ Sonu Kushwaha S/O Madhusudan Bhagat R/O Village- Binwaliya, Ward No. 13, P.S- Semara, Distt.- West Champaran (BIHAR).
2. Indrajeet Bhagat S/O Late Nathuni Bhagat R/O Village- Binwaliya, Ward No. 13, P.S- Semara, Distt.- West Champaran (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Semra P.S. Case No. 152 of 2022 for the offence under Sections 341, 323, 307, 324, 379, 354, 504 and 34 of the Indian Penal Code lodged on 26.11.2022 by the informant, Hareraj Yadav.

3. As per the prosecution story, the informant alleged that on the fateful day, due to minor issue, the accused persons firstly abused and later on the exhortion of Indrajit Bhagat, allegation is that the Sonu Kuswaha (petitioner no.2) gave *farsa* blow on the head of the informant causing injury. There is also allegation of removal of gold chain as also outraging the modesty of his wife. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that though



there is allegation of assault against these petitioners, with the help of Annexure 2 had submitted that the injury is found to be simple in nature. It is his further submission that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs.5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer.

6. Considering the aforesaid facts as also that the injury is found to be simple in nature and the F.I.R. is there, the petitioners will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- to the informant as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Bagaha, West



Champaran, in connection with Semra P.S. Case No. 152 of 2022 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 petitioners who shall provide official document to show his/her 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/her 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 his 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 his/her bail bonds.

(Rajiv Roy, J)

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