

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60678 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- KOTWA District- East Champaran

1. Anil Yadav @ Anil Kumar S/O Sita Ram Ray R/O Village-Sobaiya ,P.S-Kotwa , District-East Champaran
2. Surendra Prasad Ray @ Surendra Ray S/O Adya Ray @ Adyanand Ray R/O Village-Sobaiya ,P.S-Kotwa , District-East Champaran
3. Nitesh Kumar @ Nitish Kumar S/O Surendra Prasad Ray @ Surendra Ray @ Surendra Prasad Yadav R/O Village-Sobaiya ,P.S-Kotwa , District-East Champaran
4. Sandip Yadav @ Sandip Kumar S/O Vishwanath Rai @ Vishwanath Prasad R/O Village-Sobaiya ,P.S-Kotwa , District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Binod Kumar, 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 Kotwa P.S. Case No. 138 of 2024 for the offence under sections 341, 323, 324, 308, 379, 504/34 of the I.P.C. lodged on 10.05.2024 by the informant, Virendra Singh.

3. As per the prosecution story, the informant alleged that while he was returning home after selling crops and a huge amount was in his pocket, the accused persons armed variously came and after abuse, assaulted. The allegation is that petitioner no.3, Nitesh Kumar caught the collar of the informant while petitioner no.1, Anil Yadav gave iron rod blow on the head which he saved when another accused, Vikesh Yadav gave Farsa blow on the head causing injury. Further, allegation is against petitioner no.4, Sandip Yadav to give iron rod blow on his head



which was saved by his son, Vishal Kumar. So far as allegation against petitioner no. 2, Surendra Prasad Ray is concerned, he tried to give knife blow on the head but it hit the iron rod and as per the FIR, it got cut. Last allegation is against petitioner no.1, Anil Yadav of taking amount from the pocket. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that due to previous dispute, the scuffle took place, there is a case and counter case, their case being earlier one, both sides have suffered injuries and so far as the petitioners are concerned, no major allegation of assault is there.

5. Learned APP opposes the prayer submitting that the informant and his other family members have suffered injuries.

6. Taking into account the allegation that has come which is mainly against Vikesh Yadav of giving 'Farsa' blow causing injuries on the head, these petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, named above, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following conditions:-

- (i) one of the bailors 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 their bail bond by the Trial Court itself;
- (iii) 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;
- (iv) 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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