

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65035 of 2024

Arising Out of PS. Case No.-298 Year-2024 Thana- FATUA District- Patna

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1. Maniraj Kumar @ Bidur Kumar @ Maniraj Son of Prayag Prasad village-Kismiriya, Ps- Fatuha, Dist- Patna
 2. Deepak Kumar Son of Prayag Prasad Mahto @ Prayag Prasad village-Kismiriya, Ps- Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mickey Singh, Advocate
For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard Ms. Mickey Singh, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha P.S. Case No. 298 of 2024 for the offence under Sections 341, 323, 307, 354(b), 379, 504 and 506 of the Indian Penal Code lodged on 17.05.2024 by the informant, Shailesh Kumar.

3. As per the prosecution story, the informant alleged that while he was near his gate, the accused persons came armed variously and co-accused Prayag Prasad attacked him causing injury in the left arm and the leg. His wife was also assaulted by Uma Devi causing injury on the head.



4. So far as the petitioner no.2 is concerned, allegation is of misbehaving with his wife as also snatching of gold chain while petitioner no.1 gave *gandasa* blow on the head causing injury to his wife. The reason is that they are indulged in liquor business and upon opposition the threatening was given followed by the assault. The victim was taken to Fatuha for treatment and then to Patna Medical College and Hospital, Patna. Accordingly, the F.I.R.

5. Learned counsel for the petitioners submit that all the family members have been implicated which include these two petitioners, both of them being sons of Prayag Prasad.

6. Further, while the injury of Satish Kumar has been found to be simple in nature and in the case of Sangita Devi, the opinion is reserved.

7. Learned APP opposes the prayer submitting that so far as the petitioner no.1 is concerned, allegation against him of giving *gandasa* blow to the lady and the opinion has been reserved.

8. Considering the submissions put forward by the parties, so far as the allegation that has come against petitioner no.1 Maniraj Kumar, he has given *gandasa* blow to the lady, this Court is not inclined to extend him the privilege of anticipatory



bail, which is accordingly rejected.

9. Regarding the petitioner no.2, Deepak Kumar, allegation of assault is not against him, as per the prosecution story, he snatched the gold chain of the informant's wife, is a young person having no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

10. Let the petitioner no.2 Deepak Kumar 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-I, Patna City, in connection with Fatuha P.S. Case No. 298 of 2024 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 no.2 Deepak Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2 Deepak Kumar 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 petitioner no.2 Deepak Kumar shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no.2 Deepak Kumar 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 no.2 Deepak Kumar 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.

11. Before parting this Court would like to put on record its word of appreciation for Ms. Mickey Singh, learned counsel appearing on behalf of the petitioners for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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