

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64896 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- BIHIA District- Bhojpur

1. Abhijeet Singh @ Amarjeet Singh Son of Pramod Kumar Singh @ Pramod Singh Resident of Village- Samardah, P.S.- Bihiya, District- Bhojpur
2. Anish Singh @ Anish Kumar Singh Son of Pramod Kumar Singh @ Pramod Singh Resident of Village- Samardah, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bihiya P.S. Case No. 158 of 2024 for the offence registered under sections 341, 323, 448, 504, 307, 379 and 34 of the IPC lodged on 02.06.2024 by the informant Ram Kumar.

3. As per the prosecution story, the informant alleged that while being engaged in the construction of the house, firstly the accused tried to stop the construction and later assaulted causing injury on the head, allegation against both the petitioners is/are of using sharp cut weapon/iron rod to assault. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that both are young sons of Pramod Kumar Singh and have been falsely implicated, they are students, there is case and counter case between the parties, the injury has been found to be simple in nature (Annexure-P/2).

5. Further, the submission is 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 petitioners 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.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault on the head is on the two petitioners.

7. Though there is allegation against the petitioners, the injury has been found to be simple in nature, both are young students, have no criminal antecedent, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 5,000/- to Ram Kumar as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of



local State Bank of India to be submitted to the Trial Court.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VII, Bhojpur at Ara in connection with Bihiya P.S. Case No. 158 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *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 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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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