

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64997 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- TANKUPPA District- Gaya

1. Pintu Kumar Son of Sukar Yadav R/o vill - Simrahi, P.S. - Tankuppa, Distt. - Gaya
2. Kartus Yadav Son of Sukar Yadav R/o vill - Simrahi, P.S. - Tankuppa, Distt. - Gaya
3. Ravindra Yadav Son of Sukar Yadav R/o vill - Simrahi, P.S. - Tankuppa, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Tankuppa P.S. Case No. 51 of 2023 instituted under Sections 147, 148, 149, 341, 323, 325, 307, 447, 379, 509, 427 of the Indian Penal Code lodged on 16.3.2023 by the informant, Phulchandra Yadav.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and assaulted his son, as a result of which, the finger was broken. They also assaulted Umesh Kumar causing injury on the head. The further allegation is of lifting of the household articles. Accordingly, the



FIR.

4. Learned counsel for the petitioners submit that the petitioner no. 1 and petitioner no.2 are the students pursuing their respective studies and only because of family rivalry, they have been implicated, none of them criminal antecedents and further, as per the injury report, the opinion has been reserved and it cannot be said that injuries are grievous in nature. Further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer stating that all of them have assaulted the informant's family members.

6. Taking into account the submission put forward by the parties as also that the petitioner nos.1 and 2 are students, none of the three petitioners have criminal antecedents, there is case and counter case, FIR lodged, will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5000/- each (Totalling Rs. 15,000) as undertaken by the learned counsel for the petitioners to be paid



by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Tankuppa P.S. Case No. 51 of 2023 to the satisfaction of learned J.M.-1st Class, Gaya 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 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 petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(v) 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;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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