

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68043 of 2024

Arising Out of PS. Case No.-505 Year-2022 Thana- PATNA CITY CHOWK District- Patna

1. Monu kumar S/o Kallu Prasad R/o Nai Sadak, Imam Gali, P.S. - Chowk, Distt. - Patna, Bihar
2. Chotu Kumar @ Vishal Kumar S/o Kallu Prasad R/o Nai Sadak, Imam Gali, P.S. - Chowk, Patna City, Bihar
3. Golu Kumar S/o Kallu Prasad R/o Nai Sadak, Imam Gali, P.S. - Chowk, Patna City, Bihar
4. Kallu Prasad S/o Late Sukhdev Prasad @ Sukhdev Ram R/o Nai Sadak, Imam Gali, P.S. - Chowk, Patna City, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shweta Anand, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard Ms. Shweta Anand, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chowk P.S. Case No. 505 of 2022 for the offence under sections 341, 447, 323, 308, 379, 504/34 of the IPC lodged on 27.11.2022 by the informant, Jitendra Kumar.

3. As per the prosecution story, the informant alleged that when he went to attend marriage, hot discussion took place with the accused persons, he returned home. Later, the accused came banging the door and once opened, abused/assaulted,



causing injuries on the head and further allegation is of snatching a chain. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that actually, on 26.11.2022, there was a marriage in the family of accused persons, informant was in a drunken position accompanying the *Barat*, he was requested to return home, as he was moving on motorcycle, met with an accident but the injury has been attributed to the petitioners. Further, the injury has been found to be simple in nature as per the observation of learned Additional Sessions Judge-II, Patna City. Earlier, the accused persons were granted privilege of Section 41 of the CrPC. The last submission is that they do not have criminal antecedents.

5. Learned APP opposes the prayer submitting that they have belatedly come to the Court, the FIR is of the year 2022.

6. Though there is delay, admittedly, the petitioners were granted privilege of Section 41 of the CrPC, as per the learned counsel for the petitioners, the cognizance has been taken in the year, 2024, they have got no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let the petitioners, above named, 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 S.D.J.M, Patna City, Patna 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 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 their bail bonds.

(Rajiv Roy, J)

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