

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68006 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

1. Ram Balak Mukhiya Son of Late Radhe Mukhiya R/O Vill.- Balthari, P.S.- Ghanshyampur, Dist.- Darbhanga
2. Deepak Kumar Son of Ram Balak Mukhiya R/O Vill.- Balthari, P.S.- Ghanshyampur, Dist.- Darbhanga
3. Bijali Devi Wife of Ram Balak Mukhiya R/O Vill.- Balthari, P.S.- Ghanshyampur, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the State : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Ghanshyampur P.S. Case No. 108 of 2024 for the offence under Sections 341, 323, 498(A), 454, 504, 506 and 34 of the Indian Penal Code lodged on 01.05.2024 by the informant, Aarit Devi.

3. As per the prosecution story, the informant alleged that while she was cooking food the petitioners came with the intention to assault and on the order of petitioner no.3 who is the sister-in-law (gotni), the brother-in-law (bhaisur) and the nephew assaulted. Allegation of assault by knife is also there. She became senseless and later treated by the doctor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that



admittedly, the husband of the informant as also the petitioner no.1 are own brothers, a Title Suit No. 61 of 2023 is pending between the parties, the injury has been found to be simple in nature. 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 petitioner(s) on its own would like to contribute towards the medical assistance of Rs.15,000/- through Demand Draft issued by the local State Bank of India to be submitted before the 'NAZARAT of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that they are jointly assaulted the lady.

6. Allegation is there, the petitioners will be facing the trial, admittedly, there is a land dispute between the parties, they do not have criminal antecedent, injury has been found to be simple in nature, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.15,000/- as undertaken by the learned counsel for the petitioners to be paid to the informant by Demand Draft of local State Bank of India to the Trial Court.

7. Let the petitioner 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 Sub-Divisional Judicial Magistrate, Biraul, Darbhanga, in connection with Ghanshyampur P.S. Case No. 108 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 who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 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/her bail bonds.

(Rajiv Roy, J)

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