

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68588 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- DUMRA District- Sitamarhi

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1. Amrendra Srivastava S/o Shri Nandan Prasad R/o Vill- Kumhra Vishnupur, (Bishanpur), P.O- Kumhra, P.S.- Dumra, District- Sitamarhti, Pin Code- 843323 (Bihar)
 2. Ravi Ranjan Kumar Srivastava @ Ravi Ranjan Srivastava @ Lalu Son of Shri Nandan Prasad R/o Vill- Kumhra Vishnupur, (Bishanpur), P.O- Kumhra, P.S.- Dumra, District- Sitamarhti, Pin Code- 843323 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with respect to the petitioner no. 1 namely Amrendra Srivastava as he has been arrested. So present bail petition with respect to petitioner no. 1 has become infructuous.

3. Permission, as prayed for, is accorded.

4. Accordingly, the present anticipatory bail petition is dismissed as withdrawn with respect to the petitioner no. 1.

5. The petitioner no. 2 is apprehending his arrest in connection with Dumra P.S. Case No. 221 of 2024, F.I.R. dated



25.05.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 & 34 of the Indian Penal Code.

6. As per prosecution case, allegation against the petitioner no. 2 is that he had assaulted the informant's husband with a khanti.

7. Learned counsel for the petitioner no. 2 submits that the petitioner has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute between the parties and the both the parties are agnates. There is case and counter case. Although, there is allegation against the petitioner that he has assaulted one Umesh Chandra Srivastava. He has annexed the injury report of Umesh Chandra Srivastava, which suggests that he has received three injuries. Out of three injuries, two is simple in nature and third injury is grievous in nature due to fracture at the distal end of the hand which is not a vital part of the body. Co-accused Saurav Kumar @ Saurav Srivastava @ Sonu has already been granted anticipatory bail by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 60161 of 2024.

8. Learned APP for the State as well as learned counsel for the informant have vehemently opposed the prayer



for anticipatory bail of the petitioner.

9. Considering the aforesaid facts that the petitioner no. 2 having clean antecedent, injury sustained by informant's husband is found to be simple in nature and the similarly co-accused person has already been granted anticipatory bail by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 60161 of 2024, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 221 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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