

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75633 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. PETROL YADAV @ SHIV SHANKAR KUMAR S/O DINANATH YADAV R/O VILLAGE- UMRAI BIGHA, P.S- MAKHDUMPUR (TEHTA O.P.), DISTT.- JEHANABAD.
2. ASHOK KUMAR S/O KAPIL YADAV R/O VILLAGE- UMRAI BIGHA, P.S- MAKHDUMPUR (TEHTA O.P.), DISTT.- JEHANABAD.
3. DEEPAK KUMAR S/O SURENDRA YADAV R/O VILLAGE- UMRAI BIGHA, P.S- MAKHDUMPUR (TEHTA O.P.), DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard Mr. Umesh Kumar, learned Counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 344 of 2023 for the offence registered under sections 147, 149, 148, 342, 323, 504, 506, 307, 427 and 379 of the Indian Penal Code lodged on 02.05.2023 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant has alleged that while he was coming from Patna and reached near the Petrol Pump, he was stopped and assaulted by the accused persons. The further allegation is of damaging the motorcycle



and taking the locket. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that though injury has been shown, the same has been found to be simple in nature. He further submits that so far as petitioner nos. 2 and 3 are concerned, they do not have criminal antecedent, however, petitioner no. 1 is having criminal antecedent.

5. Further 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 nos. 2 and 3 on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totalling Rs. 10,000/-) 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 stating that the injury has been made on the head which is a vital part.

7. Taking into account the criminal antecedent nature of the petitioner no. 1, Petrol Yadav @ Shiv Shankar Kumar, his anticipatory bail application stands rejected.

8. So far as the petitioner nos. 2 and 3, namely Ashok



Kumar and Deepak Kumar respectively are concerned, considering that the injuries have been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each (total Rs. 10,000/-), as stated above.

9. Let the petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively 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.-IV, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 344 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively, who shall provide official document to show his *bona fide*;

(ii) the petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively 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 petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively 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 petitioner nos. 2 and 3, namely Ashok Kumar and Deepak Kumar respectively 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)

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