

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76557 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- PIRO District- Bhojpur

-
1. UMESH THAKUR SON OF RAM PRIT THAKUR RESIDENT OF VILLAGE- SAHEJANI, PS- PIRO, DIST- BHOJPUR
 2. RUKMEENA DEVI KANHAIYA THAKUR R/O DHARKANDHA KALA SEMRI

... .. Petitioner/s

Versus

1. The State of Bihar
2. RUKMEENA DEVI WIFE OF UMESH THAKUR RESIDENT OF VILLAGE- SAHEJANI, PS- PIRO, DIST- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard Mr. Bhaskar Shankar, learned Counsel for the

petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Piro (Hasan Bazar) P.S. Case No. 300 of 2023 for the offence registered under sections 307, 341, 323, 324, 337, 338, 504, 506 and 34 of the Indian Penal Code lodged on 03.07.2023 by the informant, Ramadhar Sah.

3. As per the prosecution story, the allegation is that the dispute relating to drain resulted into fight between the parties in which injury has been inflicted on the informant on his right hand as also cut on his head while the informant's son



got injury near his eye and the wife on her head and they were treated at Health Centre. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that due to fight between the parties, injury has been suffered by both the sides and there is a case and counter case, the petitioner side too have suffered injuries. The petitioner no. 2 is a lady and both do not have criminal antecedent.

5. 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 petitioners 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 they have assaulted the informant's side, causing injuries on head, near eyes as also fracture.

7. Taking into account the submissions as also the fact that the petitioner no. 2 is a lady, both do not have criminal



antecedent, there is a case and counter case, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-), as stated above.

8. Let the petitioners 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 Judicial Magistrate-1st Class, Bhojpur at Ara in connection with Piro (Hasan Bazar) P.S. Case No. 300 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 petitioners, who shall provide official document to show their *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 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 their bail bonds;

(iv) 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)

Neha/-

U		T	
---	--	---	--

