

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77837 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. AVINASH KUMAR SON OF MITHLESH PRASAD @ MITHU VILLAGE -BARADIH PS -MUFFASIL DISTRICT -GAYA
2. KUNDAN KUMAR SON OF MITHLESH PRASAD @ MITHU VILLAGE -BARADIH PS -MUFFASIL DISTRICT -GAYA
3. CHANDAN KUMJAR SON OF MITHLESH PRASAD @ MITHU VILLAGE -BARADIH PS -MUFFASIL DISTRICT -GAYA
4. LAL CHAND PRASAD SON OF NANHAK PRASAD @ PRADEEP PRASAD VILLAGE -BARADIH PS -MUFFASIL DISTRICT -GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 374 of 2023 for the offence under Sections 341, 323, 307, 354, 504 and 34 of the I.P.C. lodged on 29.03.2023 by the informant, Dewanti Devi.

3. As per the prosecution story, the informant alleged that while he was going to purchase vegetables, the accused persons assaulted him and when the family members came to rescue, they were also assaulted causing



injury. The further allegation is of outraging the modesty whereafter they were shifted to hospital for treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that that the occurrence is of 01.03.2023 and the FIR has been lodged on 29.03.2023, in fact on 01.03.2023 this petitioner was brutally assaulted, shifted to ANMMCH, Gaya where the ASI recorded his statement which led to lodging of the Muffasil P.S. Case No. 269 of 2023 under Section 307 amongst other of the IPC and to save their skin twenty eight days later, the present FIR.

5. Learned APP opposes the prayer stating that the allegation of assault and outraging the modesty is there.

6. Taking into account the submissions put forward by the learned counsel for the petitioners as also the fact that there is allegation of assault on the petitioner's side and the FIR was lodged in the hospital, there is delay of twenty eight days in lodging of the present FIR and they do not have any criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.



7. Let the petitioners be released on bail in the event of their 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 JMFC-cum-AM, Gaya in connection with Muffasil P.S. Case No. 374 of 2023 subject to the conditions 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 appear before the concerned police station every fortnight for next six months to mark his 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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