

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73774 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- ATRI District- Gaya

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1. RAMJI SINGH S/O- LATE VASHISHTHA SINGH R/O- VILLAGE- RAJBIGHA, P.S.- ARTI, DIST.- GAYA
 2. KRISHNA KUMAR @ KRISHNA KUMAR SINGH @ PAPPU SINGH S/O- RAMJI SINGH R/O- VILLAGE- RAJBIGHA, P.S.- ATRI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Atri P.S. Case No. 363 of 2023 for the offence under Sections 341, 323, 379, 307, 504, 506 and 34 of the I.P.C. lodged on 28.07.2023 by the informant, Suraj Singh @ Vikki.

3. As per the prosecution story, the informant has alleged that due to construction of P.C.C. work, dispute arose whereafter the accused persons assaulted the informant causing injury on his head, hand and leg. The allegation against Aman Kumar is also of opening fire to



spread panic. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that that though the FIR has been exaggerated, a perusal of the injury report would show that the same has been found to be simple in nature, as the family of the petitioners is ward member and wanted to supervise the work, dispute arose which led to lodging of the FIR. Learned counsel for the petitioners on instruction further submits 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 their own would like to contribute towards the medical assistance of Rs. 5,000/- each 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.

5. Learned APP opposes the prayer stating that there is allegation of assault against these petitioners.

6. Though there is allegation of assault against the petitioners herein, it has been found to be simple in nature, dispute is relating to construction of P.C.C. work, this Court



is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5000/- each to the informant as undertaken by the learned counsel for the petitioners.

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 Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 363 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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