

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76295 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- ASHTHAWAN District- Nalanda

1. TAPAN KUMAR Son of Indradeo Singh R/o vill - Dayamchak, P.S. - Asthawan, Distt. - Nalanda
2. Sri Rakesh Kumar @ Rakesh Kumar @ Prashant Kumar Son of Late Ramawatar Singh @ Late Ramavtar Prasad R/o vill - Dayamchak, P.S. - Asthawan, Distt. - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Asthawan P.S. Case No. 137 of 2023 for the offence under sections 341, 323, 353, 337, 379, 504, 506 of the I.P.C. lodged on 03.06.2023 by the informant, Bisheshwar Prasad.

3. As per the prosecution story, the allegation against the petitioners is/are of entering the office of the Programme Officer and assaulting him causing injury. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that due to some scheme, he had gone to enquire, some hot conversation took place, in a scuffle, he fell down, got injury and only



because the petitioner no. 1 is the Mukhiya, has been implicated. He submits that he is a law abiding citizen though concedes of having criminal antecedent and assures that no further incident will ever take place, failing which his bail bond will be liable to be cancelled, if the relief is granted.

5. The further submission on behalf of the petitioner no. 1 is that irrespective of the outcome of the present case and /or accepting the allegation, the petitioner no. 1 would like to pay Rs. 30,000/- of which Rs. 20,000/- will go the DLSA, Patna and in turn, cheque/draft of Rs. 10,000/- each will be handed over to the families of late Hari Narayan Gupta and the Advocate Clerk who died in the transformer incident in the Patna Civil Court. The rest Rs. 10,000/- to be handed over to the Programme Officer namely, Bisheshwar Prasad by demand draft of SBI local Branch so that the same can be used for the office purposes.

6. So far as the petitioner no. 2 is concerned, learned counsel for the petitioners submit that he do not have criminal antecedent, he had only accompanied the petitioner no. 1 for which he has been implicated.

7. Learned APP opposes the prayer stating that despite being a Mukhiya, he entered the office and assaulted the



Government servant.

8. Taking into account the submissions put forward by the parties as also the fact that the injury has been found to be simple in nature, FIR lodged, both will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 30,000/- to be paid by the petitioner no. 1 as undertaken by the learned counsel for the petitioners and to be released as observed above.

9. Let the petitioners be released on bail in the event of 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 Judicial Magistrate 1st Class, Biharsharif, Nalanda, in connection with Asthawan P.S. Case No. 137 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 his/her 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 petitioner no. 1 shall appear before the concerned police station every months for one year and the petitioner no. 2 shall appear before the concerned police station every month for next six months to mark their 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.

(Rajiv Roy, J)

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