

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73734 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- BARAHAT District- Banka

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KANTI @ KRANTI SINGH @ KANTI KUMAR SINGH SON OF
NEMANI SINGH RESIDENT OF VILLAGE - SIMARIYA, POLICE
STATION - BARAHAT, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Mr. Praveen Kumar learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Barahat P.S. Case No. 175 of 2023 registered under
Sections 341, 323, 308, 325, 379 and 504/34 of the Indian Penal
Code lodged on 10.08.2023 by the informant, Bhagyashri.

3. As per the prosecution story, the informant alleged
that she runs a biscuit factory under '*Mahila Udhyami Yojana*'.
The further allegation is that the petitioner herein came in an
intoxicated stage and assaulted her husband, he tried to save
himself in which he suffered injury in his hand *inasmuch* as the
same got fractured. The further allegation is against Gulshan



Kumar is that he taking away of Rs. 50,000/- and assaulted by 'lathi'. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that they are neighbour and only because of some confusion this case. The further submission is that though some injury has suffered by the informant's husband, it has been exaggerated that the same has been done by a 'rod' by the petitioner herein. The last 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 (s) on its own would like to contribute towards the medical assistance of 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.

5. Learned counsel for the informant, on the other hand, submits that the accused persons want the informant to wind up the business and only with that thing in mind in an intoxicated stage when there is complete prohibition in Bihar the assault took place. He as such, opposes the prayer for bail.

6. It is unfortunate that a lady is having her business under '*Mahila Udhyami Yojana*' and this petitioner as per the



allegation has tried to disrupt it.

7. In view of the injury in his hand, he do not have criminal antecedent and will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 10,000/-as stated above.

8. Let the petitioner, 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 Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 175 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 who shall provide official document to show his/her *bona fide*;

(ii) the petitioner 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;



(iv) the petitioner 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 his bail bonds;

(v) the petitioner 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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