

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78302 of 2023

Arising Out of PS. Case No.-766 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

KISHAN KUMAR SAHA @ KISHAN SAH @ KISHAN KUMAR SAH
SON OF MANOJ KUMAR @ MANOJ KUMAR SAHA RESIDENT OF
VILLAGE - DR. R.P. ROAD, WEST MARWARI PATHSALA,
KHALIFABAGH, P.S. - KOTWALI (JOGSAR), DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with G.R. No. 4586/23 arising out of Kotwali (Jogsar) P.S. Case No. 766 of 2023 instituted under under Sections 147, 341, 323, 354, 504, 506 of the Indian Penal Code lodged on 18.8.2023 by the informant, Priya Devi.

3. As per the prosecution story, the informant alleged that her son had worked at the place of accused Lalmani and when he sought remuneration, Lalmani called his associates, thereafter, he was assaulted. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that omnibus allegation of assault is on the petitioner, there is case



and counter case and further there is no grievous injury upon the informant's son. Further, irrespective of the outcome of the present case and/or accepting the allegation in the FIR, the petitioner would like to contribute Rs. 5000/- through Demand Draft in the name of informant issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposed the prayer stating that instead of giving remuneration for the work, he was assaulted.

6. Taking into account the fact that there is omnibus allegation against the petitioner, he do not have any criminal antecedent, there is case and counter case, this Court is inclined to grant him the privilege of anticipatory bail subject to payment of Rs. 5000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each in connection with G.R. No. 4586/23 arising out of Kotwali (Jogsar) P.S. Case No. 766 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

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

