

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86415 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Ajeet Dubey @ Aditya dubey son of Suresh Dubey all resident of Ghogha Bazar P.S. Ghogha District Bhagalpur
2. Abhinash Dubey @ Avinash Kumar Dubey son of Suresh Dubey all resident of Ghogha Bazar P.S. Ghogha District Bhagalpur
3. Suresh Dubey son of Kamlu Dubey all resident of Ghogha Bazar P.S. Ghogha District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Learned Counsel for the petitioners pray for and is allowed to correct the statement made in paragraph 6 inasmuch as instead of ‘information received by the informant’ he may be permitted to change the same as ‘information received by the petitioner’.

2. Heard learned Counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in connection with Kahalgaon (Ghogha) P.S. Case No. 226 of 2023 for the offence registered under sections 341, 323, 504, 506, 308 and 34 of the Indian Penal Code lodged on 25.02.2023 by the



informant, Neeraj Kumar Thakur.

4. As per the prosecution story, the informant alleged that he is having a welding shop where he welds the vehicle. Earlier the petitioner had come, work done but the due amount of Rs. 500/- was not paid. On the fateful day, they came with the tractor and wanted it to be attended immediately. Upon his insistence for making payment of Rs. 500/-, he was assaulted in which he also suffered injuries in his eyes. Accordingly, the FIR.

5. In paragraph 6, it has been stated that the injury suffered by the informant is simple in nature. Learned Counsel for the petitioners submit that the said statement is with regard to his eyes.

6. Further the 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. 5,000/- each totalling Rs. 15,000/- 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.

7. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail stating that though the learned Counsel for the petitioners insist that the injury is simple in nature, the assault definitely affected his eyes.

8. Taking into account the submissions put forward by the parties as also that as per the statement made in the petition, the injury in the eyes have been found to be simple, has not affected it, the petitioners do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each totalling Rs. 15,000/- as undertaken by the learned Counsel for the petitioners.

9. Let the petitioners 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 C.J.M., Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 226 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 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 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 their 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;

10. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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