

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6930 of 2024

Arising Out of PS. Case No.-104 Year-2022 Thana- KHUTAUNA District- Madhubani

1. Chandan Kumar Yadav @ Chandan Kumar Thakur S/O Binod Yadav @ Binod Prasad Yadav R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
2. Nitish Kumar Yadav S/O Binod Yadav @ Binod Prasad Yadav R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
3. Amit Mahto @ Amit Kumar Mahto S/O Ram Narayan Mahto R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
4. Ghuran Sadai S/O - Bihari Sadai R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
5. Phulchand Sadai @ Phulchan Sadai S/O - Roudi Sadai R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
6. Mohichand Sadai S/O - Roudi Sadai R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani
7. Sakal Sadai S/O - Mangan Sadai R/O Vill - Siktiyahi, P.S - Khutouna, Dist - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ratnakar Jha, learned counsel for the

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

State.

2. The petitioners are apprehending their arrest in
connection with G.R. No. 1082 of 2022 arising out of Khutauna
P.S. Case No. 104 of 2022, F.I.R. dated 01.07.2022 registered
for the offences punishable under Sections 341, 323, 307, 324,



379, 447, 504, 506/34 of the Indian Penal Code.

3. Prosecution case, in briefs, is that on 25.06.2022 at about 07:30 P.M. all the accused persons including these petitioners and 10-15 unknown arrived at the door step of informant with various arms and started abusing the informant and when the informant protested then accused Chandan Kumar Yadav assaulted the informant by means of Hatchet over his head and accused Nitish Kumar assaulted brother of the informant by means of knife and accused Amit Mahto assaulted the brother of the informant by means of iron rod. It is further stated that accused persons also committed theft of mixture machine and one other machine from the door step of the informant.

4. Learned counsel for the petitioners submits that the petitioner nos. 2, 4, 5, 6 and 7 have clean antecedents and petitioner no. 1 carries three more cases and petitioner no. 3 carries one more case other than the present one and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that petitioner no. 1 has assaulted the informant and petitioner no. 2 has assaulted the brother of the informant and although informant and his brother have received injuries but the injury report of the informant



suggests that the injury is simple in nature caused by hard and blunt substance and the injury report of the informant's brother suggests that he has received two injuries, one is hard and blunt substance and the second is sharp and hard substance which are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the injury inflicted upon the informant and his brother are simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur in connection with G.R. No. 1082 of 2022 arising out of Khutauna P.S. Case No. 104 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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