

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5126 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- LAKHAURA District- East Champaran

RAJKAPPOR KUMAR @ RAJKAPOOR KUMAR S/O MUNNA KUMAR
VILLAGE- GOLA PAKADIYA, TOLA- FATEHPUR, POLICE STATION-
LAKHAURA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-05-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioner and the State.

2. The petitioner apprehends his arrest in connection with Lakhaura P.S. Case No. 88 of 2024 for the offence registered under sections 126(2), 115(2), 109, 76, 303(2), 352, 351(2), 3(5) of BNS lodged on 30.07.2024 by the informant Anil Kumar Yadav.

3. As per the prosecution story, after abusing, the accused resorted to assault and allegation is/are as follows:

*(i) Raj Kumar assaulted Rina Devi
(informant's aunt) on her head by mungari;*

*(ii) the petitioner opened fire on the
informant (Anil Kumar Yadav);*

(iii) Kundan Kumar gave lathi blow



causing injury on the teeth and jaw of the informant;

(iv) Rajesh Kumar assaulted on the right hand;

(v) Munna Kumar outraged the modesty of the informant's aunt.

This led to the FIR.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that allegation of opening fire is against him which misfired. Further, both are family members, though he has criminal antecedent, no further allegation of assault is there. So far as the aunt, Rina Devi is concerned, the injury has been found to be simple in nature. 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 on its own would like to contribute towards the medical assistance of 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.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that this petitioner has criminal antecedent.



6. Considering the submissions of the parties as also the fact that the assault part is attributed to the other accused persons, allegation against him is of opening fire which according to the prosecution story misfired, the injury of Rina Devi has been found to be simple in nature, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 15,000/- to Anil Kumar Yadav as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. 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, Motihari, East Champaran in connection with Lakhaura P.S. Case No. 88 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 appear before the concerned police station every fortnight 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 the 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)

Vijay Singh/-

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

