

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13656 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- NARPATGANJ District- Araria

Mithun Kumar S/o Umesh Yadav R/o vill - Kanhaili, ward no. 5, P.S.-
Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-07-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Narpatganj P.S. Case No. 226 of 2024 for the offence under Sections 341, 323, 324, 326, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code lodged on 20.04.2024 by the informant, Babita Devi.

3. As per the prosecution story, the informant alleged that they run small grocery shop and for the dues of Rs.150/- when the accused site was approached allegation is that while this petitioner threw her down on the floor, other assaulted her family members inasmuch as (i) Amit Kumar Yadav caused injury to her daughter, further allegation is that her husband was brutally assaulted by the named accused persons who were rushed to government hospital and then to Purnia Sadar Hospital



where he was fighting for life and death in the intensive care.
This led to the FIR.

4. Learned counsel for the petitioner submits that so far as the assault on Raj Kumar Yadav is concerned, though the injury has been found to be grievous in nature, the allegation is not against him. Again injury to the daughter is not assigned to this petitioner. He has been alleged to have threw the informant on ground and the injury has been found to be simple in nature. Further, the submission is that without accepting the allegation and/or outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner(s) on its own would like to contribute Rs.7,000/- towards the medical assistance 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 opposes the prayer submitting that for a pity amount of Rs.150/- the entire family members were assaulted and the injuries has been found to be grievous in nature. Injuries found on Babita Devi has been found simple in nature.

6. Considering the submissions put forward by the



parties as also the fact that the injuries inflicted by this petitioner which has been found simple in nature, in that background, this Court is inclined to extend him the privilege of anticipatory bail, subject to payment of Rs.7,000/- as undertaken by 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. It is made clear that if the criminal antecedent story is found to be incorrect, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 7,000/- (Seven thousand) with two sureties of like amount each to the satisfaction of learned CJM, Araria, in connection with Narpatganj P.S. Case No. 226 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative 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 fortnight for next six months to mark his 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 bail bonds.

(Rajiv Roy, J)

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