

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36891 of 2025

Arising Out of PS. Case No.-581 Year-2024 Thana- RAMPUR District- Gaya

Sumit Kumar S/o Bijay Prasad Resident of village- Imliyachak, Ps- Rampur,
Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2025 Heard Mr. Manish Kumar No.2, learned counsel for

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

State.

2. The petitioner is apprehending his arrest in connection with Rampur P.S. Case No. 581 of 2024 for the offence under Sections 126(2), 115(2), 109(1), 324(2) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 08.11.2024 by the informant, Guddu Kumar.

3. As per the prosecution story, the informant alleged that during the 'Chhath Pooja' festival, as he was taking care of the Sun idol, the accused/aggressor armed variously came and assaulted causing injury to the informant who was unconscious. Upon regaining consciousness, he found himself in the Magadh Medical College and Hospital, Gaya. This led to the F.I.R.

4. Learned counsel for the petitioner submits that there is case and counter case, a scuffle took place between the parties



which has been exaggerated into the assault and a perusal of the injury report shows that it is simple in nature further, he has no criminal antecedent. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.5,000/- by Demand Draft to the informant towards treatment issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that injury is on the head.

6. Considering the submissions put forward by the parties as also the fact that there is case and counter case, the injury has been found to be simple in nature, the petitioner has no criminal antecedent and is only 20 years of age, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- by Demand Draft to the informant issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to the informant.

7. However, if it is found that contrary to the record, the injury is not simple and/or the petitioner having criminal antecedent, 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. 10,000/- (Ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Rampur P.S. Case No. 581 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 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;

(iv) 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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