

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38728 of 2025

Arising Out of PS. Case No.-418 Year-2024 Thana- MAHARAJGANJ District- Siwan

Harendra Srivastva S/o Late Ramchandra Prasad Srivastava R/o Village-
Pasnauli, P.S.- Maharajganj, District- Siwan Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-10-2025 Heard Mr. Ajay Kumar Tiwary, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Maharajganj P.S. Case No. 418 of 2024 for the offence registered under sections 115(2), 126(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of B.N.S. lodged on 10.09.2024 by the informant, Ajay Kumar Dwivedi.

3. As per the prosecution story, the informant alleged that on information that this petitioner is in a mood to kill Manoj Singh. Later, he came to the informant's Ultrasound place and started using abusive language. Upon protest, allegation is that this petitioner along with his family members Rhitik Srivastava, Rahul Kumar and Navin Kumar started assaulting. Allegation against this petitioner is of giving sword blow, causing injury. As Nirmal Kumar came to his rescue, was also abused/assaulted. Allegation is that this petitioner was earlier



working with the informant but later removed and a case was lodged also against him. The injured were shifted to the hospitals whereafter the FIR.

4. Learned Counsel for the petitioner submits that exaggerated FIR is there, only because he has criminal antecedent, got implicated. Further, to his knowledge, the injury has been found to be simple in nature and 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. 10,000/- through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank 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 he has multiple criminal antecedents.

6. Learned counsel for the petitioner submits that due to business rivalry, he has been framed in such cases.

7. In this case, the Co-ordinate Bench had called for the case diary and injury report which is/are available and the



opinion of the Medical Officer, Primary Health Center shows that the injury has been found to be simple in nature.

8. Taking into account the aforesaid fact as also that the injury 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. 10,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

9. 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 Judicial Magistrate, First Class, Siwan in connection with Maharajganj P.S. Case No. 418 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner(s) should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner(s) 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(s) shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner(s) 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(s) 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)

Raj Ranjan/-

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