

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63262 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- KIUL District- Lakhisarai

Prem Pratap @ Prem Prakash @ Ravish Kumar Son of Kapil Dev Yadav R/O
Village - Singhchak, Police Station - Kiul, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvnendra Kumar Thakur, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kiul P.S. Case No. 09 of 2024 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 504 and 506 of the Indian Penal Code lodged on 13.02.2024 by the informant, Nilam Devi.

3. As per the prosecution story, the informant alleged that as she was doing her daily work, the accused persons came armed variously and after abuse, the allegation is that on the order of Manilal Yadav, accused Raj Kumar gave 'bhala' blow to his son Amit Kumar on the left side of the chest, causing serious injury. He fell down and became unconscious. Similar allegation is against Ravish Kumar @ Prem Pratap (the petitioner herein)



of having given 'iron rod' blow to her husband, Pramod Yadav on the head, causing injury, Shiv Kumar gave 'iron rod' blow to Kamlesh Kumar which fractured his left hand as also there is allegation of assault on his head. Subsequently, Manilal Yadav gave 'lathi' blow to her brother-in-law, Subodh Yadav while other accused persons including Kapil Yadav assaulted Nitesh Kumar. Accordingly, the injured were taken to the hospital and the FIR.

4. Learned Counsel for the petitioner submits that though allegation of assault to the informant's Pramod Yadav is on this petitioner by iron rod, a perusal of the learned Sessions Judge order would show that while the assault on Amit Kumar has been found to be grievous, so far as Pramod Yadav is concerned, the injury has been found to be simple in nature. He do not have criminal antecedent and further 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. 5,000/- 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's husband, Pramod Yadav after checking the



credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault is on this petitioner.

6. Considering the submissions put forward by the parties as also the fact that though allegation of assault is on this petitioner, as per the learned Sessions Judge order, it has been found to be simple in nature, the petitioner do not have criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- to the informant's husband (Pramod 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, Lakhisarai in connection with Kiul P.S. Case No. 09 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 six months 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/-

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