

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56981 of 2025

Arising Out of PS. Case No.-378 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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1. Brij Mohan Kumar @ Brij Mohan Kumar Sahani @ Vrijmohan Kumar S/o Late Chandrika Sahani. Resident of Village-Agarawa, P.S.- Town, District-East Champaran, Motihari.
 2. Aditya Kumar Son of Brij M ohan KJumar @ Brij Mohan Kumar Sahani @ Vrijmohan Kumar Resident of Village-Agarawa, P.S.- Town, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate Mr. Dhandev Kumar, Advocate
For the Opposite Party/s :		Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 378 of 2024 for the offence under sections 341, 323, 324, 504, 307, 379 and 34 of the I.P.C. lodged on 02.07.2024 by the informant, Pramod Kumar Sahani.

3. As per the prosecution story, the informant alleged that he was at the place to get the shop rent where it is alleged that after abusing, the accused persons resorted to assault. Petitioner no. 1 gave *farsa* blow on the neck, as he tried to save



himself, it hit his head causing injury. Aryan Kumar gave *lathi* blow while Aditya Kumar (petitioner no. 2) picked Rs. 3,500/- from the pocket and Suman Kumar snatched the gold chain. He was sent to Sadar Hospital, Motihari which followed to the FIR.

4. Learned counsel for the petitioners submit that so far as petitioner no. 1 is concerned, allegation of assault is there but the injury report records it simple in nature. Further, there is assault on the part of Aryan Kumar but so far as petitioner no. 2 is concerned, there is only allegation of taking away Rs. 3,500/-. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant's side has alleged injuries, the petitioner No. 1, Brij Mohan Kumar on its own would like to contribute Rs. 5,000/- towards the medical assistance of the injured 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.

6. Taking into account the submissions of the parties as also that the injury has been found to be simple in nature and the two petitioners have no criminal antecedent, in that background, this Court is inclined to extend them the privilege



of anticipatory bail with conditions subject to payment of Rs. 5,000/- by the petitioner no. 1, Brij Mohan Kumar 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 petitioners 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) each with two sureties of like amount each to the satisfaction of learned CJM, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 378 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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