

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74757 of 2025

Arising Out of PS. Case No.-348 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Vijay Singh @ Bijay Kumar Lt. Hari Singh @ Lt. Harimohan Singh Resident
Of Village - Uchchkundha, P.S. - Daudnagar, Dist. - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anu Priyadarshni, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2025 Heard Ms. Anu Priyadarshni, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Daudnagar P.S. Case No. 348 of 2023 instituted under Sections 147, 148, 149, 341, 323 and 308 of the Indian Penal Code lodged on 06.06.2023 by the informant, Bindu Devi.

3. As per the prosecution story, the allegation is that the accused persons stopped the tractor of the informant and after abuse, assault took place. While Nitish Kumar assaulted Girija Singh with iron rod causing injury, this petitioner assaulted Rahul Kumar with 'khanti' on his head. Further, Subhash Singh assaulted Ramekbal Singh, Bablu Kumar and Ajay Singh assaulted Prince Kumar and Sani Kumar respectively with wooden rod. This led to the FIR.



4. Learned counsel for the petitioner submits that there is case and counter case, though the allegation of assault is there so far as the this petitioner is concerned, by using 'khanti' on the head of Rahul Kumar, the injury report of Rahul Kumar is not on record, the other medical report shows that only the injury of Girija Singh has been found to be grievous in nature while rest of the injury has been recorded as simple in nature. Last submission is that if the injury of Rahul Kumar is found to be grievous and if the relief granted, the same be recorded as infructuous against this petitioner.

5. Learned APP opposes the prayer submitting that allegation of assault on the head is there against this petitioner.

6. Taking into account the submissions of the parties as also that there is case and counter case, grievous injury has been recorded so far as Girija Singh is concerned. However, so far as the injury of Rahul Kumar is concerned, there is nothing on record, the petitioner do not have criminal antecedent, in that background, this Court is inclined to extend the benefit of anticipatory bail to the petitioner. However, this is subject to Court concerned ascertaining the fact whether the injury of Rahul Kumar has been found to be simple or grievous and/or whether any injury report is/are on record or not. If it is found



that the injury of Rahul Kumar has been found to be grievous in nature, the relief granted to the petitioner shall become infurctuous inasmuch as he will have to surrender and seek bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Daudnagar P.S. Case No. 348 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/Court concerned, Aurangabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 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 and at the end of the period a certificate be submitted



before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) 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;

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

9. With the aforesaid observation, the anticipatory bail application is disposed of.

(Rajiv Roy, J)

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