

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48193 of 2026

Arising Out of PS. Case No.-37 Year-2021 Thana- Kurth District- Arwal

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Jitu Kumar @ Gaurav Kumar Son of Umesh Yadav @ Kumar Umakant
Resident of Village- Shankar Bigha, P.S.- Sakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Kurtha P.S. Case No. 37 of 2021 for the offence punishable under sections 341, 323, 354, 379/34 of the IPC lodged on 16.03.2021 by the informant.

3. As per the prosecution case, the allegation against the petitioner is that while informant along with his wife and nephew were going on motorcycle, the petitioner along with other accused persons passed some indecent remarks, stopped his motorcycle, misbehaved with his wife and when the informant reacted, he was assaulted by the butt of the pistol on his head, his wife was also beaten and her *Mangalsutra* was snatched. Accordingly, the FIR.



4. Learned counsel for the petitioners submits that for a trivial issue of dashing motorcycle, the present incident is said to have taken place while the allegations are malicious and concocted and the injuries which are said to have been sustained are found to be simple in nature and the petitioner, during course of investigation, was granted the privilege of section 41(1) of the CrPC which, according to the petitioner has not been misused. Petitioner undertakes to participate in the trial and will not commit any such offence in future. He will also maintain peace and harmony with the informant.

5. Learned APP opposes the prayer for anticipatory bail and submits that since the privilege of section 41(1) of the CrPC has been granted to the petitioner and the same has not been misused by him, the prayer for anticipatory bail may be considered with certain conditions.

6. Considering the privilege of section 41(1) of the CrPC having been granted to the petitioner and the same has not been misused, the nature of injury is found to be simple and he has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six



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, Arwal, Jehanabad** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) 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;

(iv) 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 his/their bail bonds.

(Ajit Kumar, J)

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