

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46060 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

=====

1. Manoj Gupta @ Munna Gupta @ Manoj Kumar Gupta S/o Late Ram Nath Sah
2. Pawan Kumar
3. Chhotu Kumar, both sons of Manoj Gupta @ Munna Gupta
All R/o Village Chenari (Bharandua), P.S. Chenari, Distt. Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Opposite Party/s: Dr. Indihar Kumari (APP)

For the informant : Mr. Raunak Kumar Singh Pankaj, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 307, 323, 324, 341, 379 and 504/34 of the Indian Penal Code, this Court, by taking into account that there is direct allegation of assaulting the injured person by petitioner no. 2 Pawan Kumar by use of iron rod and by petitioner no. 3 Chhotu Kumar by use of knife and there are at least three injuries have been found by the doctor in the injury report, is not inclined to grant privilege of anticipatory bail to either of two petitioners no. 2 and 3 only because some sort of compromise petition has been filed. Section 307 of the Indian Penal Code being not a compoundable offence, the plea of compromise also does not appeal to this Court.



So far the petitioner no. 1, Manoj Gupta, is concerned, allegation against him being of omnibus in nature and that he has no criminal antecedent, this Court would direct that if the petitioner no. 1, namely, Manoj Gupta @ Munna Gupta @ Manoj Kumar Gupta to surrender before the court below within a period of four weeks from today and he if does so, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas in connection with Chenari P.S. Case No. 121 of 2015; subject to the following conditions:

- (i) It is made clear that rejection of prayer of anticipatory bail to the petitioners no. 2 and 3 namely Pawan Kumar and Chhotu Kumar respectively shall not stand in the way in surrendering and making prayer for regular bail, which, of course, shall be disposed of on its own merit without being prejudiced by anything said in this order.
- (ii) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.



- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--