

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8894 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -KAUAKOL District- NAWADA

- =====
1. Kundan Kumar @ Dimpu Son of Uday Singh
 2. Uday Singh son of Late Indradeo Singh Both of village Kadhar, P.S.- Kowakole, District- Nawadah

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 325, 504 and 379/34 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the petitioners along with co-accused Jayant Kumar abused the informant by calling caste name and also assaulted. It is specifically alleged that petitioner no.1 assaulted with iron rod as a result, wrists of both hand of the informant got fractured whereas petitioner nos. 2 and co-accused Jayant Singh assaulted with lathi. It is also alleged that petitioner no.1, Kundan Kumar snatched mobile from the informant.

It is submitted by learned counsel for the petitioners that

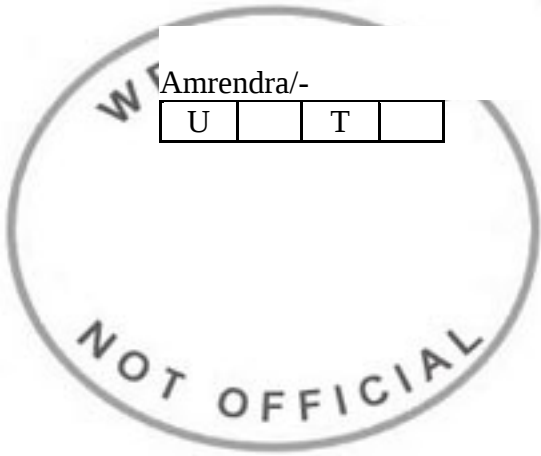
for the petty dispute, the accusation has been levelled. on conclusion of investigation, petitioner no.2 Uday Singh was not sent up for trial while chargesheet was submitted against petitioner no.1 under Sections 323, 341 and 504 of the IPC and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act but differing with the final form cognizance has been taken against both the petitioners. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that on conclusion of investigation, chargesheet was submitted against the petitioner no.1, this Court is not inclined to grant anticipatory bail to him.

Let the learned court below consider the prayer for regular bail of petitioner no.1 preferably on the same day if he surrenders within a period of six weeks.

So far as petitioner no.2 is concerned, since on conclusion of investigation, he was not sent up for trial let the above named petitioner no.2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Nawadah in connection with Kawakole P.S. Case No. 69 of 2015, subject to the

conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)