

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37254 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -KALER District- JEHANABAD

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1. Rajendra Singh, S/o Late Kanhai Singh
 2. Anil Kumar, S/o Rajendra Singh
 3. Rajesh Ranjan @ Santosh S/o Rajendra Singh
 4. Ajay Ankur @ Munna S/o Rajendra Singh All resident of Village- Hansedih, P.S.- Kaler District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha
For the Opposite Party/s : Mr. Bharat Lal, APP
For Informant : Mr. M.P. Sinha,

: =====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-09-2016 Learned counsel for the petitioners states that petitioner No.3, Rajesh Ranjan alias Santosh has been arrested during the pendency of this application and this application on behalf of petitioner No.3 has become infructuous.

Accordingly, this application on behalf of petitioner No.3 above named is dismissed as having become infructuous.

Heard learned counsel for the petitioners on behalf of petitioner Nos. 1,2 and 4 and the learned counsel appearing on behalf of the State as well as learned counsel for the informant.

This application for anticipatory bail arises out of Kaler P.S. Case No. 19 of 2016, disclosing offences under Sections 147,148,149,341,323,504 and 307 of the Indian Penal Code.

There are five persons, who have named in the First Information Report. It has been alleged against co-accused Sunil Kumar that he gave a blow with sword on the hand of the informant's wife causing grievous injury. It is also alleged that the accused persons assaulted the father of the informant with sword, on his leg.

It is submitted on behalf of the petitioners that there is counter version of the same occurrence on the basis of which Kaler P. S. Case no. 20 of 2016 has been registered. It has also been submitted that there is no specific allegation of assault against these petitioners in the First Information Report and, therefore, they deserve the privilege of anticipatory bail.

Learned counsel for the Informant has vehemently opposed the prayer for anticipatory bail and has submitted that considering the manner in which the offence has been committed, the petitioners do not deserve the privilege of anticipatory bail. He has submitted that though there is no specific mention of assault made by petitioner no.2 in the First Information Report, in course of investigation it has

come that he had also assaulted the father of the informant.

However, considering the fact that allegation of assault is on the leg and hand of the informant's father and wife respectively and the allegation against petitioner Nos. 1,2 and 4 are not specific in the First Information Report, this application is allowed.

Let petitioner Nos. 1, 2 and 4 above-named in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Arwal in Kaler P.s. Case No. 19 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner Nos. 1,2 and 4 above-named shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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