

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38008 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -JAMHORA District- AURANGABAD

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1. Sudhir Kumar @ Sudhir Singh son of Koleshar Singh
2. Ramnath Singh son of Late Munshi Singh
3. Nagendra Singh son of Late Raja Singh
4. Sikandar Singh @ Sikandar Kumar son of Ambika Singh
5. Durga Singh son of Mahabir Singh
6. Sadafal Singh son of Kapil Singh,

All residents of village - Jarmakhap, P.S. - Jamhor, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma, Adv.

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Jamahore P.S. Case No. 5 of 2017 registered for the offence(s) punishable under section(s) 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code.

The informant has alleged that on 04.01.2017, one Rakesh Kumar had gone to collect his dues. In the meanwhile, accused Dara @ Pushpendra and other co-accused started assaulting the said Rakesh Kumar and also raised chor-chor. The informant and one Ranjay Kumar rushed there where petitioner



no. 3, Nagendra Singh assaulted the informant by iron rod on his hand.

The learned counsel for the petitioner submits that both the parties are resident of same locality and for the aforesaid occurrence, one counter case has also been lodged by petitioner no. 6 vide Jamhore P.S. Case No. 4/2017. Injuries allegedly sustained by Rakesh Kumar are simple in nature and so, the petitioners having no criminal antecedent, deserve anticipatory bail.

The learned Additional Public Prosecutor on the other hand opposed the prayer

On perusal of the FIR and annexures on record it appears that petitioner no. 3 assaulted by iron rod causing fracture injury on the hand of the informant. Having regard to grievous injury the prayer of anticipatory bail of petitioner no. 3 is rejected.

So far other petitioners are concerned, allegation appears omnibus. A counter case has also been filed by petitioner no. 6. In the facts and circumstances, as stated above, this application with regard to prayer of petitioner nos. 1, 2, 4, 5 and 6 is allowed.

Let above named petitioner nos. 1, 2, 4, 5 and 6, in the event of arrest or surrender before the court below within a



period of six weeks, be released on bail on their furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Jamahore P.S. Case No. 5 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code. It is however observed that if the petitioner no. 3 surrenders before the court below and prays for regular bail, his prayer be considered on same day on merit without being prejudiced by the order of this Court.

(Sanjay Kumar, J)

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