

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51700 of 2017

Arising Out of PS.Case No. -279 Year- 2017 Thana -KANTI THARMAL POWER District -
MUZAFFARPUR

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1. Sudhanshu Kumar, S/o Shashi Ranjan Kumar Singh,
2. Shashi Ranjan Kumar Singh @ Shashi Ranjan Kumar, S/o Late Ram Chandra Singh.
3. Himanshu Kumar, S/o Shashi Ranjan Kumar Singh,
4. Anil Kumar Tiwary @ Anil Tiwary, S/o Late Nunu Tiwary, All are R/o Village- Krishna Mohan Nagar, Road No.3, Damodarpur Pathantoli, P.S.- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kanti P.S. Case No. 279 of 2017 instituted for the offence under Sections-307, 379, 337 & other minor Sections of the Indian Penal Code.

It is alleged against the petitioner No. 1 that he assaulted the brother of the informant namely Ratnesh Kumar Yadav with knife on his back and he became injured. The allegation against petitioner No. 4 is of giving repeated blows to the informant with Dab on his neck but he tried to save himself and sustained injury below his neck and other parts of body.

There is general and omnibus allegation against petitioner Nos.



2 & 3.

The case diary has been received wherein the injury reports of the informant and his brother are available.

The learned APP after perusing the case diary has submitted that three injuries have been found on the person of the informant caused by sharp cutting weapon.

Learned counsel for informant has submitted that the injury report shows that there was repeated blows by petitioner No. 4 to the informant with intention to kill.

Learned counsel for the petitioners has submitted that there is counter case bearing Kanti P.S. Case No. 280 of 2017 which has been filed by petitioner No. 2 against the informant and others.

Counsel for opposite party No. 2 has appeared and opposed the prayer for anticipatory bail.

This court after looking into injuries found on the person of the informant which is repeated blows, is not inclined to grant anticipatory bail to petitioner No. 4. Accordingly, prayer for anticipatory bail of petitioner No. 4 stands rejected.

The petitioner No. 4 is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit without being prejudiced by this order.

The doctor has found simple injury on the person of injured caused by hard and blunt substances and there is general and omnibus allegation against petitioner Nos. 2 & 3.



Therefore, prayer for anticipatory bail of petitioner Nos. 1, 2 & 3 is allowed and it is ordered that the petitioner Nos. 1, 2 & 3 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kanti P.S. Case No. 279 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, West, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 1, 2 & 3 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioner Nos. 1, 2 & 3 and (3) if petitioner Nos. 1, 2 & 3 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 1, 2 & 3.

(Sanjay Priya, J)

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